DOCUMENT RESUME

ED 475 038 RC 024 012

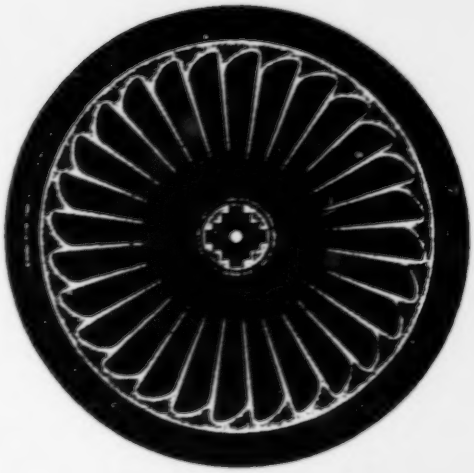
AUTHOR	Kauffman, Jo Ann
TITLE	Welfare Reform and American Indian Tribes: Critical Decisions for the Future of Indian Families.
INSTITUTION	Henry J. Kaiser Family Foundation, Menlo Park, CA.
PUB DATE	2002-00-00
NOTE	60p.
AVAILABLE FROM	Kaiser Family Foundation. Tel: 800-656-4533 (Toll Free). For full text: http://www.kff.org/content/2002/20020415/6024.pdf.
PUB TYPE	Reports - Research (143)
EDRS PRICE	EDRS Price MF01/PC03 Plus Postage.
DESCRIPTORS	Agency Cooperation; Case Studies; Child Care; Federal Indian Relationship; Job Development; Job Training; *Program Design; *Reservation American Indians; *Self Determination; *Tribal Government; Tribes; *Welfare Reform
IDENTIFIERS	Arizona; Oregon; *State Tribal Relationship; *Temporary Assistance for Needy Families; Wisconsin

ABSTRACT

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRETORIA) gives American Indian tribes the option to run their own Temporary Assistance for Needy Families (TANF) program or leave these services under state administration. Eight case studies were conducted in Oregon, Wisconsin, and Arizona with the Klamath Tribes, Siletz Tribe, Warm Springs Confederated Tribes, Stockbridge-Munsee Community Band of the Mohican Indians, Forest County Potawatomi Tribe, Oneida Nation, White Mountain Apache, and Pascua Yaqui Tribe. Document reviews and interviews with tribal and state officials and TANF participants provided data on coordination with the state, training and technical assistance, program design, impact of TANF on the tribe, and tribal views of TANF strengths and weaknesses. Six tribes designed and administered their own TANF program, one tribe left TANF entirely up to the state, and one tribe is serving as a contractor for the state's welfare reform program. Most tribal plans mirrored state plans but were flexible as to time limits and work hours and expanded the definition of work activities to include education. Tribal and state relationships were key to successful efforts; assuring access to medical assistance and food stamps was not always a priority; developing new job opportunities was challenging; and unmet needs persisted for alcohol, drug, and mental health treatment. Lessons learned include TANF affected tribes regardless of whether they administered programs; restructuring tribal programs benefitted clients; welfare reform is about work and community support; there was no one model for a TANF effort; medical assistance and food stamps need to be coordinated with TANF; and coordination between tribes and states is critical. Three appendices present methodology, interviewees, and acronyms. (TD)

Reproductions supplied by EDRS are the best that can be made
from the original document.

ED 475 038



WELFARE REFORM AND AMERICAN INDIAN TRIBES: CRITICAL DECISIONS FOR THE FUTURE OF INDIAN FAMILIES

Prepared by

KAUFFMAN AND ASSOCIATES, INC.
Jo Ann Kauffman, MPH

RC 024012

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☑ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL HAS BEEN GRANTED BY

M. James

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

1

THE HENRY J. KAISER FAMILY FOUNDATION

BEST COPY AVAILABLE

2

ACKNOWLEDGEMENTS

The author would like to thank the tribal leaders, American Indian community members, state and tribal TANF and welfare professionals who took time out of their busy lives to be interviewed for this paper. This report was made possible by their insights and generous commentaries. The Foundation would also like to thank Sara Rosenbaum, Yvette Roubideaux, Andy Schneider, Ray Apodaca, Marsha Lillie-Blanton, and Priya Helweg for their review and comments on drafts of this paper.

WELFARE REFORM AND AMERICAN INDIAN TRIBES: CRITICAL DECISIONS FOR THE FUTURE OF INDIAN FAMILIES

Prepared by

KAUFFMAN AND ASSOCIATES, INC.
Jo Ann Kauffman, MPH

THE HENRY J. KAISER FAMILY FOUNDATION

The Henry J. Kaiser Family Foundation
2400 Sand Hill Road
Menlo Park, CA 94025
(650) 854-9400 Fax: (650) 854-4800

Washington Office:
1450 G Street NW, Suite 250
Washington, DC 20005
(202) 347-5270 Fax: (202) 347-5274

www.kff.org

Additional free copies of this publication (#6024) are available on the Kaiser Family Foundation's website at www.kff.org or by calling the Foundation's Publication Request line at (800) 656-4533.

BEST COPY AVAILABLE

TABLE OF CONTENTS

EXECUTIVE SUMMARY v

CHAPTER 1: INTRODUCTION 1

CHAPTER 2: THE OREGON EXPERIENCE 2

KLAMATH TRIBES 2

Coordination with the State 3
Training and Technical Assistance 4
The Plan and Structure 5
Impact of TANF on the Klamath Tribes 5

SILETZ TRIBE 7

Coordination with the State 7
Training and Technical Assistance 8
The Plan and Structure 8
Impact of TANF on the Siletz Tribe 10
Siletz Tribe's Views of the Strengths and Weaknesses of TANF 11

WARM SPRINGS CONFEDERATED TRIBES 12

Coordination with the State 12
Training and Technical Assistance 12
The Plan and Structure 12
Impact of TANF on the Warm Springs Reservation 13
Warm Springs' Views of the Strengths and Weaknesses of TANF 14

CHAPTER 3: THE WISCONSIN EXPERIENCE 15

STOCKBRIDGE-MUNSEE COMMUNITY BAND OF THE MOHICAN INDIANS 16

Coordination with the State 16
Training and Technical Assistance 17
The Plan and Structure 17
Impact of TANF on the Stockbridge-Munsees 18
Stockbridge-Munsee Band's Views of the Strengths and Weaknesses of TANF 19

FOREST COUNTY POTAWATOMI TRIBE 20

Coordination with the State 20
Training and Technical Assistance 20
The Plan and Structure 20
Impact of TANF on the Potawatomi Tribe 22
Potawatomi Views of the Strengths and Weaknesses of TANF 22

ONEIDA NATION 23

Coordination with the State 23
Training and Technical Assistance 23
The Plan and Structure 23
Impact of TANF on the Oneida 24
Oneida's Views of the Strengths and Weaknesses of TANF/W-2 26

CHAPTER 4: THE ARIZONA EXPERIENCE 27

WHITE MOUNTAIN APACHE 27
Coordination with the State 28
Training and Technical Assistance 28
The Plan and Structure 29
Impact of TANF on the White Mountain Apache 30
White Mountain Apaches' View of the Strengths and Weaknesses of TANF 32

PASCUA YAQUI TRIBE 33
Coordination with the State 33
Training and Technical Assistance 33
The Plan and Structure 33
Impact of TANF on the Pascua Yaqui 34
Pascua Yaqui Views of the Strengths and Weaknesses of TANF 36

CHAPTER 5: POLICY ISSUES FOR THE FUTURE 37

CHANGES TO FEDERAL LEGISLATION 37
FUNDING FOR SUPPORT SERVICES 38
OUTCOMES OF EVALUATIONS OF TRIBAL TANF PLANS 38
INCREASED STATE AWARENESS ABOUT TRIBAL TANF 38

APPENDIX A: METHODOLOGY 39

APPENDIX B: INTERVIEWEES 41

APPENDIX C: ACRONYMS 43

EXECUTIVE SUMMARY

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)[1] became law amid a national political shift to "end welfare as we know it" by creating a system of temporary support with the intent of moving people off welfare rolls and into the work force. The fundamental principle of welfare reform is that both individuals and families should bear major responsibility for this shift. Numerous incentives, sanctions, funding caps, and support services are intended to help families make their migration out of poverty. The centerpiece of the revamped welfare system is a program called Temporary Assistance to Needy Families (TANF), which replaced Aid to Families with Dependent Children (AFDC). PRWORA gives tribes the option to run their own TANF program or to leave these services under the administration of the state. TANF, unlike AFDC or Medicaid (the federal-state health insurance program for the poor) has authorizing legislation that permits tribes to receive funds directly from the federal government to run their own programs.

This report provides a snapshot of eight tribes and their decisions regarding administering a TANF program. The eight tribes—in Oregon, Wisconsin, and Arizona—are applying the options presented by welfare reform in eight different ways in their tribal communities. Table 1 shows the complex and varying arrangements of the tribes under welfare reform. The case studies were conducted in 1998 and thus provide early insights on the first steps taken by tribes during this policy shift. Six of the tribes (Klamath, Siletz, Stockbridge-Munsee, Forest County Potawatomi, Pascua Yaqui, and White Mountain Apache) designed and are administering their own TANF program. One of the case study tribes (Warm Springs Confederated Tribe) is leaving TANF entirely up to the state and the other tribe (Oneida Nation) is serving as a contractor for the state's welfare reform program.

Before PRWORA passed, many states had initiated reforms of their own welfare systems and were seeing a steady decline in welfare rolls. The first people to transition from welfare to work were the easy-to-employ individuals. As a result, states undertaking early reform—such as Oregon—found that after an initial rapid drop in welfare recipients, they were left with the chronically unemployed: hard-to-place individuals who suffer from alcoholism, substance abuse, mental health problems, homelessness, and/or physical, emotional, or sexual abuse.[2] As a result, Oregon's welfare system was no longer merely processing welfare checks but was engaged in a comprehensive case management effort to provide services to families grappling with the most challenging barriers to employment.

American Indians often present many of the same challenges as the hard-to-place populations served by states after the initial years of welfare reform. Thus, welfare reform represents significant challenges as well as opportunities for American Indian tribes. Regardless of a tribe's

[1] P.L. No. 104-193.

[2] DeParle, J. 11/20/97. New York Times. "The Drawer People—A Special Report; Newest Challenges for Welfare: Helping the Hard-Core Jobless."

BEST COPY AVAILABLE

Table 1. Characteristics of Case Study Tribes

Tribe Key Features			Tribal TANF Programs					State TANF Programs
	Tribal Enrollment, 1999.a	Unemployed as % of Labor Force.a	Designed TANF Plan (approved start date)b	Federal TANF Grant.c	State Matches Federal Funds.b	Projected # Families To Be Served Per Month.b	Service Population.b	Description
OREGON								
Klamath Tribes	3,320	35%	Yes (7/97)	$464,259	Yes	70–90	Indian families	N/A
Siletz Tribe	2,467	47%	Yes (10/97)	$661,625	Yes	70–90	Tribal member families	N/A
Warm Springs Confederated Tribes	3,831	35%*	No	N/A	N/A	N/A	N/A	Tribe works with state to serve tribal TANF families
WISCONSIN								
Stockbridge-Munsee Community Band of the Mohican Indians	1,513	1%	Yes (10/97)	$143,122	No	60	Tribal member families	N/A
Forest County Potawatomi Tribe	1,158	56%	Yes (7/97)	$115,793	No	20	Tribal member families	N/A
Oneida Nation	13,184	14%	No	N/A	N/A	N/A	N/A	Serves as contractor for state program called W-2d
ARIZONA								
White Mountain Apache	12,750	62%	Yes (11/97)	$1,794,188	Yes	630	All families (Indian and non-Indian)	N/A
Pascua Yaqui Tribe	12,303	42%	Yes (11/97)	$966,828	Yes	250	Indian families on reservation	N/A

Note: N/A = not applicable

a = Department of the Interior, *Indian Labor Force Report*. 1999. U.S. Bureau of Indian Affairs, Office of Tribal Services; * = 1997 labor force totals.

b = USDHHS. 2001. Characteristics of Tribal TANF Programs as of February 27, 2001. The Administration for Children and Families, www.acf.dhhs.gov/programs/dts/tanfchar_227.htm.

c = USDHHS. 2000. *Third Annual Report to Congress*. Temporary Assistance for Needy Families (TANF). Table 11:1, pg. 168.

d = W-2 is Wisconsin's welfare reform program that replaced Aid to Families with Dependent Children (AFDC).

BEST COPY AVAILABLE

decision to either administer their own TANF program or to leave these services under the administration of the states, its members will feel the effects of welfare reform. The first and most crucial step tribes must take is to understand the issues.

As the federal agency overseeing TANF, the Department of Health and Human Services (DHHS) plays a key role, particularly the Administration for Children and Families (ACF). DHHS must approve a tribe's TANF plan and set the tribe's TANF grant. Any variation in a tribe's allocation of TANF funding can be appealed to DHHS. As a part of the TANF plan, DHHS will approve minimum work requirements and time limits for clients in consultation with tribes. The case studies presented in this report illustrate some of the issues facing tribes if they choose to design or administer their own TANF program.

Opportunities

Under welfare reform, tribes are in a position to develop a family assistance plan that provides for how tribal members will be treated under the welfare system. They can also decide whether the tribe or the state will administer the program's cash assistance component. Tribes and states have an incentive to coordinate services, resources, and planning in executing an effective welfare system to avoid federal penalties and meet expected performance standards under the new law.

Tribes establishing their own TANF programs have a great deal of flexibility. They can set, for example, their own time limits for receipt of benefits, minimum work participation levels, allowable work activities, and financial sanctions for noncompliance. Together with the Indian Employment Training and Related Services Demonstration Act and the latest provisions of the Indian Self-Determination Act,[3] welfare reform has eliminated many barriers to internal tribal restructuring. Tribes can seize this opportunity to restructure existing social welfare, employment, and support services. Services such as childcare, child welfare, alcohol or drug treatment, mental health, vocational rehabilitation, training, general assistance, and housing can be restructured to better serve poor families and to coordinate tribal services with state and federal entities. Tribes therefore have the opportunity to work directly with the hardest-to-serve families. By developing culturally sensitive and appropriate interventions, they have a better chance of making a lasting difference on the lives of Indian families and on the overall health of the tribe.

There is no deadline for tribes to apply for TANF funding, which allows for careful planning of the most appropriate way to spend the money. By implementing welfare reform, tribes can create healthier communities and give people skills and incentives to work. Thus, tribes potentially will have a new work force with which to fill entry-level positions in the tribe, private firms, and other local business or government projects—assuming these jobs are available in their communities. Additionally, tribes have access to increased Child Care Block Grant (CCBG) funds to address the greater demand for such care by TANF parents seeking employment or training.

[3] P.L. No. 93-638

BEST COPY AVAILABLE

Tribes are likely to be more effective than states in understanding the problems of Indian families and coordinating the services needed to move them into the work force and off of welfare. Cultural sensitivity, however, does not imply lenience; some tribes are actually more stringent than states in administering TANF. The new options available under welfare reform give tribes a chance to develop and implement a system that reflects their own values, culture, and practices.

CHALLENGES

One of the biggest challenges for tribes who want to administer their own TANF programs is finding enough money to cover administrative and start-up costs. TANF does not provide funding for start-up costs or overhead related to administration. States already have the infrastructure in place to administer welfare programs, but administering welfare through TANF programs is a new option for tribes. In contrast, starting from scratch is a burden and a potential barrier for tribes who want to run their TANF programs. They will be forced to pay for start up and overhead with tribal revenue, by allocating a portion of the federal grant to administration, or by reducing benefits to TANF clients.

States are not required to provide tribes with the state matching funds for TANF. However, federal policy allows a state's matching dollars to count toward the state's maintenance-of-effort (MOE) requirement. Along with other factors, this creates incentives for states to provide TANF matching funds to tribes. Individual tribes must negotiate this arrangement with their state.

As with states, tribes operating TANF programs must comply with federal data collection and reporting requirements. Because of the lack of separate funds for administrative tasks, this is another financial strain on tribes.

Funding levels for TANF services are based on the 1994 AFDC and Job Opportunities and Basic Skills Program (JOBS) funds spent by a state for Indian clients. These numbers may be inaccurate and in need of revision. Tribal records would be a better indicator of how many tribal members are in need of services.

Tribes located in rural areas with limited economic and employment opportunities will face difficulties finding jobs for welfare recipients and meeting minimum work participation rates. Under the welfare law, the 60-month lifetime limit to receive cash assistance is suspended for each month that an adult lives in a tribal community with an unemployment rate of 50 percent or more. This is significant as tribes operating a TANF plan are subject to federal financial penalties for failing to meet agreed-upon work requirement percentages.

Finally, another challenge to tribes seeking to implement their own TANF programs may be internal. Tribal leaders seeking to restructure tribal programs to better coordinate services may face strong opposition from already-existing tribal departments and divisions concerned about protecting their distinct programs and offices.

BEST COPY AVAILABLE

Tribal leaders face one of the most important policy changes in Indian social welfare in decades as they move into the role of administering TANF. The shift from welfare entitlement programs to time-limited work incentive programs is significant for tribes and needs to be evaluated. The following case studies highlight major planning and implementation issues faced by tribes in Oregon, Wisconsin, and Arizona. They examine how decisions were made, what worked, and what did not. Most importantly, key questions are identified that other tribes will need to answer as they assess their own role in welfare reform.

KEY FINDINGS

The eight tribes visited and described in this series of case studies vary in how they apply TANF in their tribal communities. Some only serve tribal members who are on the reservation; others serve tribal populations in scattered areas or serve all Native Americans in their region. Yet another serves both Indians and non-Indians. Oregon's Klamath and Siletz tribes administer TANF services in conjunction with tribal resources and in coordination with state services. Wisconsin has turned over all aspects of welfare reform, including medical assistance and food stamps, to interested tribes to administer under tribal TANF plans or under the state plan. Arizona's Pascua Yaqui and White Mountain Apache tribes subcontracted the administration of benefits back to the state and intervened on tribal members' behalf to change the time limits, work requirements, and work activities under their own TANF plans.

These tribes have undertaken a process that requires both understanding multiple systems, and the ability to piece together a network of support services, work activities, and case management designed around the unique circumstances of each tribal community. Tribal leaders all voiced strong concern about protecting Indian families, and about the long-lasting effects of welfare reform on their culture.

Although it is too early to make conclusive remarks about the effect of welfare reform on American Indian tribes in general, some valuable observations are possible from the eight case study tribes.

- **Tribal plans most often mirrored state plans.** Even though tribes had an opportunity to revise TANF policies significantly, tribal TANF plans appear to closely resemble their state's TANF plan in structure, priority, and philosophy. The differences are relatively minor. Tribes appear to be waiting to see how their state's plan affects their community before amending the plan to make it specific to tribal priorities and values. This cautious approach reflects a desire to be consistent with the intent of welfare reform, while maintaining an option to revise their own plan.

BEST COPY AVAILABLE

- **Flexibility characterizes tribal implementation of TANF plans.** Tribes have a high degree of flexibility in crafting their own TANF program, and they have taken advantage of this. Although most of the tribes interviewed opted to align closely with state plans, there was a great deal of creativity in how these programs were implemented. The variety of approaches described in Oregon, Wisconsin, and Arizona reflects just a few of the available options.
- **Tribes focus on time limits, work hours, and work activities.** The major changes tribes instituted in developing their TANF plans fall primarily in three areas: time limits for receiving aid, work hours, and permissible work activities. Most wanted to make mandatory time limits more flexible or extended, and to reduce required work hours per week for TANF families. In some cases, the tribe wanted to expand the definition of allowable work activities to more closely reflect tribal goals, such as the pursuit of higher education or community service.
- **Tribal and state relationships are key to successful efforts.** Tribes that opt to administer their own TANF program built their programs on a longstanding, in-depth relationship with state welfare officials. Each of the tribes visited had a strong working relationship with the state on issues of social welfare, even when tribal and state relationships were adversarial in other areas, such as gaming or law enforcement.
- **Assuring access to medical assistance and food stamp programs are not always a priority.** Since welfare reform severed the historical link between Medicaid and the receipt of cash assistance, there is no longer a guarantee of medical coverage or food stamps for those who qualify for cash assistance. This makes it difficult for TANF families to access all of the assistance for which they are eligible. Tribal programs such as those in Wisconsin and Arizona attempt to provide "one-stop shopping" for TANF families by centralizing access to these various federal programs. Elsewhere, however, a more concerted effort is needed to ensure that TANF families are not accidentally removed from other benefit programs due to disjointed application or eligibility determination systems.
- **Developing new job opportunities is challenging.** The development of jobs for TANF families is a major challenge for tribes, and one that requires expansion into the private sector. For most tribes visited, job development for TANF families relied on local tribal markets, such as tribal government programs, casino jobs, or community service. Though penetration into the private business sector is beginning to occur, for many others the success or failure of TANF depends on the continued availability of tribal jobs. This is a particular challenge for some tribes where unemployment rates exceed 50 percent.
- **Tribal internal restructuring is a slow process.** It has not yet been demonstrated that tribes will significantly restructure their internal social welfare, employment, childcare, and other activities in order to administer TANF effectively. Most tribes visited provide TANF services out of existing tribal social service departments and coordinated referrals with other branches of tribal administration. Tribes that opted to implement the Indian Employment Training and Related Services Demonstration Act of 1992 have restructured their employment and social service programs and are moving more aggressively to comply with TANF.

BEST COPY AVAILABLE

- **Unmet needs persist for alcohol, drug, and mental health treatment.** Tribal administrators voiced a variety of unmet needs. Consistently, tribes expressed frustration about the lack of resources for alcohol or drug treatment and mental health counseling. Inadequate funding will become a larger problem as tribal programs increasingly focus on families with multiple barriers to employment—such as addictions, mental health problems, domestic violence, and related issues.
- **Tribes are proud of their TANF efforts.** Each of the tribal TANF programs visited had worked to develop TANF services and establish necessary links for employment and support services for their clients. The tribal leaders were well informed about welfare reform and TANF, and had obviously spent time considering options and long-term ramifications for their tribe. They were aware that they were venturing into a new arena, and believed their tribal families were probably better served through tribal TANF plans than they were by state programs.

LESSONS LEARNED

The experience of eight tribes grappling with welfare reform, and TANF in particular, may be useful for other tribes as they navigate their way through similar transitions.

- **TANF affects tribes regardless of whether they administer programs.** Welfare reform has had an impact on tribes regardless of whether they decide to develop their own TANF plan. But as one tribal leader put it, "caring is not enough." Tribes need to be prepared and to understand the demographics of their needy families. They must also assess the economic situation in their community, the availability of support services, and potential work activities. In addition, they need to create programs that reflect the specific values of their tribe. And regardless of who ultimately administers the program, tribes need to coordinate with states in the administration of TANF.
- **Restructuring and integrating tribal programs benefits the client.** Several tribes have taken the opportunity under welfare reform to restructure and streamline tribal programs for the benefit of families served. Restructuring and integrating programs is one way to reduce administrative duplication and coordinate a variety of related services.
- **Welfare reform is about work and community support.** The focus of welfare reform is not on welfare; the focus is on work. Tribal leaders, staff, and families served by programs have received this message. The formulation of tribal TANF plans reinforces this new philosophy in America. The success of these programs depends on the support of the tribal community, which can be gained through early and respectful involvement of tribe members in the reform process.
- **There is no one model for a TANF effort; tribes can be flexible.** Tribes are just beginning to test the bounds of flexibility under PRWORA's Section 412. The models described in these case studies are diverse and reflect unique situations in each state. Tribes need not confine themselves to any one model; they can keep an open mind when designing their TANF system.

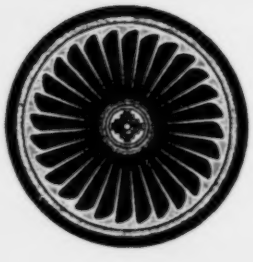
BEST COPY AVAILABLE

- **Medical assistance and food stamps need to be coordinated with TANF.** Access to medical assistance and food stamps are important for tribes planning to operate the various aspects of a TANF program. Efforts should be made to coordinate these programs with the TANF system, if possible, and to streamline the TANF and medical assistance application processes. If tribes do not directly administer these programs, close cooperation is required between the state and the tribe to ensure that families and children are not inadvertently dropped out of Medicaid, Children's Health Insurance Program (CHIP), or other medical assistance programs.
- **Coordination between the tribe and the state is critical.** Each of the tribes visited illustrated the importance of cooperation between the tribe and the state in implementing TANF for Indian families. Whether services were administered by the state or by the tribe, the level of cooperation was directly related to the quality and scope of service delivery for these families. Even where tribal/state relations were adversarial in other areas, tribal and state officials both recognized the need for a high degree of coordination in the implementation of TANF.

The positive and negative effects of welfare reform on Indian families are not yet fully known. Data needed to determine the number of Indian families moving from welfare to work are only just beginning to emerge. More difficult to assess will be what happens to families lost from the system because they are disqualified from further benefits or they migrate from state to state or from rural to urban areas. This report lays out options and critical decisions for tribal leaders; however, the final choices made will depend on the unique historical, cultural, and political situations of each tribal community.

BEST COPY AVAILABLE

WELFARE REFORM AND AMERICAN INDIAN TRIBES: CRITICAL DECISIONS FOR THE FUTURE OF INDIAN FAMILIES



CHAPTER 1: INTRODUCTION

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA gives tribes the option to run their own Temporary Assistance to Needy Families (TANF) program or to leave these services under the administration of the state. This report shares the experiences and lessons learned by eight tribes that are applying the options available to them by the welfare reform legislation in eight different ways. It describes how and why these tribes selected their options regarding welfare reform and TANF. It also looks at relationships between tribes and states, and how welfare reform has affected tribal programs and families. The case studies highlight the processes tribes used to tailor a welfare program to their communities.

Three states were included in this study—Oregon, Wisconsin, and Arizona. Each had tribes that had submitted TANF plans and that had not (see Appendix A for information on the study approach and the Executive Summary Table 1 for information on the eight tribes). The tribes vary in size but all had an unemployment rate that exceeded the national unemployment rate prior to welfare reform. Six of the tribes designed and are administering a federally approved TANF plan, and two are not. Of the two tribes that are not operating their own TANF plan, one serves as a contractor for the state's welfare reform program and the other works with the state to serve TANF families.

American Indian communities are among the most poverty-stricken in the United States. Many Indian families have multiple barriers to employment, including alcohol abuse, a history of domestic violence, or social and mental health needs that cannot be met with currently available counseling resources. Although it is too soon to assess the long-term impact of welfare reform on Indian communities, this report can help tribal leaders and other policy makers begin to evaluate TANF program options and alternatives based on the experiences of other tribes.

CHAPTER 2: THE OREGON EXPERIENCE

The thrust of Oregon's Transitional Assistance to Needy Families State Plan suggests a philosophical difference between the state's approach and the federal TANF. Oregon's welfare-to-work effort is called the Jobs Opportunity and Basic Skills Program (JOBS). The state's approach—which some see as a model for the rest of the country—focuses on moving clients into jobs as quickly as possible, rather than on long-term training. By 1997, 87 percent of Oregon's TANF families were employed; in contrast, the nationwide goal was set at 50 percent by the year 2002.

The Oregon plan includes an exemption from the federal requirement of a five-year time limit. It stipulates that as of July 1, 1996, no family can receive TANF cash assistance for more than 24 months over an 84-month consecutive period. However, as long as clients comply with the program, the 24-month limit is suspended. There is no time limit for families who cooperate with the program's work requirements, which makes it one of the nation's more flexible programs.

The state of Oregon has been helpful to tribes interested in establishing their own TANF programs. The state began holding meetings with the Klamath and Siletz Tribes in October 1996, shortly after PRWORA was passed. State officials identified three stages of coordination: deliberation, planning, and implementation. The Klamath Tribe was the first tribe whose TANF plan was approved and implemented. State officials worked with the tribe to identify how many Native Americans and non-Indians were receiving Aid to Families with Dependent Children (AFDC), getting emergency assistance, or participating in JOBS programs in 1994. Using these percentages, the share of funds allocated for the Klamath TANF system in Klamath County was calculated.

The Siletz Tribe, which serves 11 counties in western Oregon, used a different approach. In some cases, other tribal populations were also represented in the state's head count. Thus, after consulting with the tribe, the state used a single month to calculate what percentage of Indian clients would constitute the tribe's actual caseload. The state used March 1994—the month with the highest numbers—as the baseline month to calculate the percentage of potential Native American clients. Consultation with the tribe proved invaluable to the state during this critical first step of identifying the client population.

KLAMATH TRIBES

The Klamath Tribes were the first to have an approved TANF plan. They opened its doors to TANF families on July 1, 1997. Tribal leaders, acting on advice from their staff to formulate TANF policies and plans, thought that the tribe could administer the program better than the state could. Before deciding to proceed, tribal leaders addressed an array of concerns. They concluded that:

- The tribes could better oversee Native American clients' cases and thus could serve them better than state;

- Administering TANF would be an exercise in tribal sovereignty;
- Services to clients in tribal programs would be better coordinated; and
- by running their own TANF program, the Klamath Tribes would be in keeping with their progressive culture and have control over their community's progress.

Start-up funding was not available to the Klamaths. This resulted in an initial staffing shortage until the program gradually increased its caseload and funding for administrative costs became available.

Coordination with the State

The relationship between the Klamaths and the state had in the past been strained. This is one reason elected tribal officials decided to operate TANF services directly. However, when Oregon state officials assisted the Klamaths in establishing their TANF program, tribal staff members reported working well with state officials. Indeed, they describe the relationship as "positive and beneficial." Examples of tribal/state coordination include a recent Executive Order by Oregon Governor Kitzhaber requiring a government-to-government relationship with tribes in the state.

The state and the tribe began the first of numerous meetings to develop a tribal TANF plan within a month of the enactment of the PRWORA in 1996. The state helped the tribe negotiate with ACF to develop the tribe's TANF plan and secure needed resources. The Klamath Tribes also have a unique Indian Child Welfare Act agreement with the state, receive Title XX funding, JOBS Plus funding, and participate in quarterly meetings with the state Department of Human Resources on health and social service issues. However, it soon became clear that the state grossly underestimated the number of families the tribal TANF needed to serve. The number of enrolled AFDC clients reported to be Native American and used to calculate the tribe's TANF grant was significantly less than the number who walked through the doors in July 1997, when the plan was implemented. The state report of Indian AFDC families in Klamath County for 1994 was not adequate to meet the demand for TANF services.

Based on state figures, the tribe thought it would have 69 cases, or 23 new cases per month for the first three months of program operation. Later, the tribe discovered a "hidden population" of Native Americans not originally counted in the 1994 AFDC numbers. The caseload grew after the program began, reaching 120 by January 1998. This was a sizable increase in caseload without a proportionate rise in dollars. The tribe and the state agreed to a four-month moratorium on new clients, and TANF services stabilized. The tribal TANF program is continuing to work with its existing caseload, while new clients are referred to the state offices. In this way the tribe and the state were able to accommodate each other and avoid burdening the tribe with unforeseen circumstances.

Training and Technical Assistance

State employees assigned to assist the Klamath Tribes report that the state has provided and continues to provide high quality technical assistance on TANF issues. The state maintained that its representatives helped train program staff onsite. Quarterly meetings are held to review TANF, support enforcement, and child welfare issues between the state and the tribe. The state convenes regular "caucuses" with Oregon tribes to solve problems and exchange ideas. At first, Klamath elected officials and line staffers involved in the TANF program reported that they did not receive enough training and technical assistance. Later, elected tribal officials said that tribal program staff members worked closely with the state and that, before moving forward, the officials considered the recommendations of these staff members. A key tribal manager reported that the state technical assistance actually accelerated the tribe's ability to submit a TANF plan early. The state worked closely with the tribe and assisted in subsequent negotiations with ACF on the TANF plan and amendments.

The Plan and Structure

The Klamath Tribes' TANF plan mirrors the Oregon state plan in several areas. The 24-month, seven-year rule is applied, just as it is in Oregon for all non-compliant clients. The tribe also adopted Oregon's family and income eligibility standards for participation in TANF.

The tribe instituted a case management approach, called Targeted Intensive Case Management (TICM). This approach focuses on initial assessment through self-reporting of skills, individualized case plans, and reassessments on a regular basis.

The Klamath Tribes require all parents and caretakers receiving tribal TANF to participate in work and/or employment barrier removal activities, unless they meet specified exemption criteria. The tribes proposed slightly lower work participation rates than those recommended by federal law—15 percent of all TANF families in 1997, and 40 percent by the year 2002. With 10 percent unemployment in the county at the time of TANF implementation, lower work participation rates are justifiable. The 1995 Labor Force Report from the Bureau of Indian Affairs (BIA) shows that 59 percent of the 1,109 potential workers in the Klamath labor force were unemployed and 56 percent were actively seeking employment. The tribe's list of allowable work participation activities is more limited than the state's. It includes all of the following:

- Basic education
- Job search/job readiness
- Job skills training
- On-the-job training (OJT)
- Sheltered/supported work
- Work experience

Klamath case managers coordinate services for families within an allocated budget, but the funds are not always adequate to meet needs. Support services are a major component of the tribe's TANF program. Through support services, payments are issued directly to authorized service providers for services that enable individuals to engage in TANF work-related activities or hold jobs. Among the services for which payments can be made are:

- Childcare
- Transportation (i.e., car repairs, insurance, fuel, bus tickets)
- Tools and equipment
- Required union fees (payable prior to first paycheck)
- Relocation expenses for employment
- Grooming and cosmetic expenses (dry cleaning, haircuts, etc.)
- Substance abuse and mental health counseling (if not otherwise covered)
- Dental services (if not otherwise covered)
- Eyeglasses (if not otherwise covered)

Employed TANF families earning incomes above the cutoff for TANF can receive these support services for up to 90 days after they are no longer on TANF.

For families in which the parent or caretaker fails to participate in work activities, sanctions are applied at levels similar to those of the state. These include gradual reductions in cash assistance, suspension, and ultimately termination from the program.

The Klamath Tribes receive a TANF block grant from the federal government and maintains a Memorandum of Agreement (MOA) with the state. The services are run by the tribe, which has hired a TANF manager to oversee operations. The TANF program employs caseworkers who review eligibility based on income, family size, and compliance activities. These caseworkers prepare vouchers for TANF families, which are routed through the TANF manager for signature. The vouchers then go to the social service director and, finally, to the Finance Department, which issues payment to the family. The Klamath are seeking coverage of indirect expenses associated with administering TANF. The Department of the Interior's (DOI) Office of Inspector General (OIG) has advised the tribe that it must be consistent in the application of its negotiated federal Indirect Cost Rate (IDC), and attempt to collect that rate from all programs, including TANF.

Impact of TANF on the Klamath Tribes

TANF's impact on the Klamath Tribes has been significant and the Klamath's TANF policies have evolved since the initial planning. The inundation by nearly a third more families than the tribe was initially funded to serve had a major effect on the tribe's program. The initial moratorium on new TANF cases also helped to stabilize the system. Further, efforts to implement TANF services early led to difficulties arising from inadequate staffing. These

staffing shortages eventually were addressed. Staff members say it has been hard to keep up on the latest revisions of the plan but in management's view, this is to be expected. The tribe's plan has altered in response to the changing environment.

One elected tribal official predicted that TANF would have a large impact on tribal families. He feared that the funds would allow the tribe to treat only the symptoms and not the root problems for many struggling families. The same person observed that the BIA's General Assistance (GA) population has remained about the same, but that the number of people served by other tribal programs, such as childcare and commodity foods, has increased dramatically.

Tribal TANF staff members counter that TANF is not intended to cure root causes or fund treatment. Rather, it is solely designed to move people from welfare to work. While that is technically accurate, the concern voiced by tribal leadership highlights the weakness of welfare reform nationally. For many families, overcoming the root causes of poverty requires targeted intervention and new resources. For American Indian families in particular, this means looking at funding levels for housing and for the Indian Health Service (IHS), which runs alcohol and mental health programs. Other services not directly under the TANF umbrella are integral to achieving program goals, including medical assistance, food stamps, JOBS Plus, Adult Vocational Training, childcare, and programs related to the Job Training Partnership Act (JTPA).

The tribe's childcare program staff did not receive training specifically on TANF or their role in the TANF effort. Staffers report that parents are primarily responsible for determining their children's supervision needs. The childcare program tracks TANF and non-TANF families through referrals for childcare services. Childcare services provided to TANF families consist largely of full-time day care for infants and toddlers. There is no center-based after-school day care for school-aged children, nor is evening childcare available. There are three home-based childcare providers are in the area, but family members usually are called upon to meet these needs.

The TANF program works closely with the Klamath Tribes' Department of Education and Employment to develop employment opportunities for clients. According to caseworkers, there are limited opportunities for full-time work. Employment and training programs for TANF parents include resources such as Welfare to Work; Adult Vocational Training; the Klamath Community College training tract for TANF clients, including computer classes; and Kla-Mo-Ya, the tribe's casino, for training and entry-level jobs. Other job placement sites include two private sector businesses and various tribal programs. The two most frequently used employment experience opportunities for TANF parents were casino- and caseworker-generated placements. The Klamath Tribes also relies on the Organization for Forgotten Americans (OFA)—a local private, nonprofit organization—for JTPA placements.

The Klamath's TANF families must make separate applications to the state for Medicaid and food stamps. Applications processed by the tribe were not accepted by the state. The Oregon

Department of Human Resources has agreed to help coordinate access to Medicaid, childcare, and food stamps. The tribe has recently been able to access the Oregon database for jobs and support service information, and plans are under way to allow the state to access tribal information. The state and tribe are also setting up a way to share computer screens and getting the required approvals to do that.

Clearly, families formerly on AFDC have been affected by all of these changes. "They are looking for jobs now," says one tribal employee. Staff members observed two patterns of behavior among their caseload. One group refused to accept the new procedures and requirements, and even tried to complain to their elected officials on the tribal council. The second group wanted to work, began to comply, and was happy to see the program offering training and other classes.

For the Klamath Tribes and the TANF families they serve, there are many advantages to having a tribally run program. Among them are:

- Increased state-tribal partnerships
- Increase in child support enforcement collections
- JOBS Plus is available to the tribe
- Identification of high-risk families
- Greater child protection
- Clearer Identification of client issues and referral to services
- Expanded training and work opportunities
- 50 percent of clients leaving the program in work full-time
- Greater respect for tribal programs in the county

The impact of this new tribal initiative is summed up in the remarks of one TANF client formerly enrolled in the state welfare program: "The state was just pushing me through a program," she said. "Here, they want to help."

SILETZ TRIBE

The Siletz Tribe began its TANF program on October 1, 1997. The tribe covers a huge service area, encompassing 11 counties, four tribal area offices, and 28 state AFS offices.

Coordination with the State

The Siletz Tribe coordinates closely with the state, sharing program data as needed. The tribe has been effective in implementing the one-stop shopping model of welfare reform. Clients fill out applications for Oregon's Medicaid with assistance from Siletz tribal staff; these applications are then forwarded to the state. Until the tribe developed and implemented its own manual, it used

the state's guidelines. Even then, the tribe says it used only the best aspects of the state system. The tribe is currently completing the final review and comment period for the Siletz manual on implementing welfare reform to be adopted by the tribal council.

Training and Technical Assistance

According to tribal staff members, the state's TANF training and technical assistance was timely, beneficial, and necessarily complex. However, the agreed-upon three-month period for moving clients from the state system to the tribally operated system was not enough. Staff members wonder, on the other hand, what amount of time would have been adequate to complete such a major transition? The three-month period was at least long enough to permit staff training and orientation to state systems, as well as an orderly switching of client families from state to tribal jurisdiction. The Siletz Tribe was fortunate to already have in place a welfare support structure through the tribal General Assistance (GA) program. The GA system infrastructure was a foundation for the implementation of family-focused TANF assistance.

The Plan and Structure

Like the Klamath Tribes' plan, the Siletz tribal TANF plan is very similar to the Oregon state plan. It proposes to serve 70 to 90 families per month across 11 counties. The Siletz Tribe also uses Targeted Intensive Case Management. In addition, the tribe requires tribal enrollment and residency in one of the 11 counties. Countable income is the same as the state's, as is the time limit requirement of up to 24 cumulative months within an 84-consecutive month period, beginning when the family first enrolls in the Siletz TANF system.

Proposed work participation percentages are lower than those required under welfare reform. In the tribe's view, a lower participation rate is warranted due to the high unemployment rate and multiple employment barriers faced by families. The plan recommends 15 percent participation for all families in 1998 and 25 percent of all families in the year 2000. Allowable work activities under the Siletz plan include:

- Basic education
- Job search/job readiness
- Job skills training
- On-the-job-training
- Sheltered/supported work
- Unpaid work experience
- Paid work experience
- Higher education

- Vocational training
- Subsidized public/private employment

The Siletz Tribe includes higher education as an allowable work activity. Siletz staff members see this provision as a major incentive for TANF families to gain skills and to eventually move into the work force permanently. They cite higher education as one of the most effective tools in preventing welfare recidivism, and therefore consider its potential long-term impact on Indian families to be significant.

The Siletz tribal plan identifies exemptions to required work participation activities that are consistent with the state plan, and also identifies "good cause" for noncompliance with the requirements. Numerous job opportunities are identified in the plan for each of the major metropolitan and rural areas in the 11 counties. Support services and transitional support services are offered for TANF families, including:

- Childcare
- Transportation
- Tools and equipment
- Required union fees
- Relocation expenses for employment
- Grooming and cosmetic expenses
- Substance abuse and mental health counseling
- Dental services
- Eyeglasses

Sanctions for noncompliance are similar to those of the state of Oregon, ranging from verbal warning and reprimand to reduction of cash grants, suspension, and termination.

The tribe operates TANF services separately from the state. It works closely with the state, however, in coordinating Oregon's Medicaid and food stamp enrollment applications. State branch offices provide support; the Tribal Services Assistant (TSA) provides intake. Once all necessary documentation and verification is complete, a family is referred to a tribal TANF caseworker, who prepares a case plan with the client. Depending on the client, the plan could include individual or group training. Vouchers require the appropriate signatures, according to the tribal accounting operations manual, and are then sent to tribal accounting for payment. As long as clients adhere to their contract with the TANF program, their payments will be processed. One tribal accountant handles all TANF and General Assistance payments.

One major advantage of the Siletz Tribe's plan is its use of the Indian Employment Training and Related Services Demonstration Act of 1992, which allows the tribe to consolidate all funding

for employment and training-related services. This process has benefited the tribe's TANF effort by creating one-stop shopping for employment, training, childcare, and other services. It also allows for a single annual audit to be conducted for all programs. Restructuring tribal programs, which in the past functioned autonomously, is one of the major opportunities available under welfare reform. By restructuring programs, tribes can create streamlined services geared to prioritize the needs of the family.

Impact of TANF on the Siletz Tribe

The Siletz Tribe has accessed private sector opportunities in western Oregon for job openings and work experience. In addition, it has established a contact person in area businesses such as recycling and temporary placement service, as well as at companies like Hewlett Packard, Intel, Nike, Fujitsu, and Legacy Health System. Government placements have also been identified for work experience and training, including the Veterans Hospital, IHS, BIA, and Bonneville Power Administration. Tribal programs, Goodwill Industries, St. Vincent De Paul, and others have also provided some placement opportunities.

The demand for JTPA services among Siletz TANF clients has increased dramatically. They are requesting pre-employment services (job readiness skills, interviewing techniques, and resume writing), job search assistance, and vocational training. Because the tribe has elected to operate under Indian Employment Training and Related Services Demonstration Act block grants, it reports little impact on the ability of non-TANF clients to also access JTPA and other job services. While the tribe does not have a Native Employment Works (NEW) program, it runs its tribal JOBS program under TANF. As for unmet needs, tribal staff reports it still needs more resources for the homeless and for vocational rehabilitation, as well as better access to mental health care for tribal families.

TANF families require the full range of childcare services, including infant and toddler care, after-school childcare, and evening childcare. In addition to tribal Head Start and childcare programs, the resources available to Siletz TANF families include home-based childcare, care provided by relatives, and contracts with in-home providers. The tribal childcare program gets referrals from TANF staff, and attempts to identify potential childcare for parents. Parents are responsible for finding their own their childcare providers. The childcare program makes payments directly to the providers upon receipt of a parent's claim forms. Unmet childcare needs at Siletz include special needs providers and after-hours childcare, particularly for those parents who work late shifts at the tribal casino.

The tribe operates Head Start childcare programs, which serve both TANF and non-TANF families. Participants must be enrolled tribal members in the 11-county service area. Children age 13 or younger are eligible for care. The childcare staffers report they have received training about welfare reform in general and have participated in meetings about TANF. To promote communication between the childcare programs, TANF families are identified in the childcare application process.

One of the biggest differences for clients shifting from AFDC to tribal TANF is the requirement that clients come in to pick up their checks rather than having checks mailed to their homes. While this gives the TANF caseworker an opportunity to assess each family regularly, it can be a challenge for the client.

The Siletz Tribe made a concerted effort to educate tribal members about the impending changes in the welfare system. Articles were placed in the Siletz News and presentations were made to the general public, to tribe members, and at tribal staff and council meetings. Overall, the reaction from the tribal population reportedly has been positive. Tribal staff members attribute the success to the fact that they know their own people better than the state does, and that they are invested in helping their own people. The tribe is taking on more responsibility, and overseeing tribal TANF is seen as an issue of self-governance and self-determination.

Siletz Tribe's Views of the Strengths and Weaknesses of TANF

Staff members report that TANF has had a positive impact on the tribe. Under tribe-administered TANF, assisting families is easier because a full range of services is more readily accessible to them. Staff members also feel the tribal environment is more comfortable for clients, who seem to want to work with staff to access services. Services are also better coordinated than they were before. Finally, staff members believe that they are more culturally sensitive to the needs of the clients, and more credible with federal agencies than the state. Across the board, there is a great deal of pride in running a successful TANF program and in the role it plays in moving the tribe toward self-governance and self-determination.

One negative aspect of the shift to tribal-administered TANF was that only three months were allowed to transition the caseload from the state to the Siletz tribe. Some staff wanted more time, while others thought the transition period was adequate. Though policies were not firmly established when the program was first implemented, the tribe followed state policies as an interim measure. The tribal staff also reports that the relationship between the federal government, the state, and the tribe was not always clear. The lack of funding for new tribal infrastructures was not a major problem for the Siletz Tribe, as they chose to build on their existing General Assistance program.

A major challenge for both the tribe and state was calculating state matching requirements for counties in which other tribes also reside. In counties with residents from multiple tribes, it was difficult to allocate the Indian population by tribe. The Siletz report that the state provided clear information on spreadsheets that identified how allocations were calculated, and the tribe was satisfied with the state's efforts.

Another problem has been a lack of clear guidelines about the revenues from child support enforcement. For a short time, the state of Oregon provided proportionate funding from child support enforcement to TANF tribes. That practice has continued upon confirmation from the

federal government that the tribe should continue to receive its share of revenues from child support measures.

Overall, the Siletz Tribe's experience with welfare reform has been positive. In 1998, the Siletz Tribe graduated their largest GED class in the history of the tribe. Several TANF families are pursuing higher education and taking steps to change their lives and their families' future.

WARM SPRINGS CONFEDERATED TRIBES

The Warm Springs Confederated Tribes are located in central Oregon. The tribes do not operate their own TANF program, but work with the State of Oregon to serve TANF families. The tribes' early childhood education director has taken the lead role in researching TANF and considering options for tribal participation in welfare reform. The tribal council established a task force to assess welfare reform and consider options for council action.

Coordination with the State

At one time, Oregon maintained a welfare office on the Warm Springs Reservation. The local state worker reports that the relationship with the tribe continues to be positive and productive even after the state closed the Warm Springs office and relocated to Madras, about 20 miles away. State social workers and tribal staff work together to verify information for the state's Native American Clients. State workers process applications for Warm Springs tribal families and use the state's financial and family eligibility criteria. The state also uses tribal programs—including the tribe's JTPA program, Early Childhood Development Program, mental health counseling, and drug and alcohol treatment—to provide support services for Indian TANF clients.

Training and Technical Assistance

Tribal staff members report that they have participated in a variety of training sessions on welfare reform and TANF. However, they are not convinced that the tribe should operate its own tribal TANF at this point.

The Plan and Structure

Indian families on and around the Warm Springs Reservation must either travel 20 miles to Madras to apply for TANF benefits, or make arrangements to meet state caseworkers during their twice-weekly visits to the reservation. According to state workers, transportation to and from Madras is a problem for many Indian clients. The visiting state caseworker takes their applications and requires documentation of income and expenses. Sometimes the caseworker confirms this information with the tribe. Cash benefits are set at the state levels, which range from $395 per month for a family of two, to $1,090 per month for a family of 10. At the state's office site, social workers are able to process applications for food stamps and Oregon's Medicaid. Food stamp allocations range from $122 for one person to $700 for a family of eight.

Work participation requirements are consistent with the state TANF plan. The Madras Office uses the Central Oregon Intergovernmental Council (COIC), which includes all local JTPA providers, for all client referrals. Clients must go through COIC initially. COIC provides networking for clients, training in life skills, adult basic education, resume writing, and job readiness training. State employees monitor job search activities and class attendance.

Self-reporting is the primary source of information on clients. Sanctions are applied if parents in TANF families fail to comply with required activities. Upon noncompliance, deductions from cash benefits begin immediately. Deductions start at $50, increase to $100, and then cash assistance is cancelled. As a last resort, non-complying clients are terminated from the program. The state reports that 97 to 100 Indian families are enrolled for TANF benefits, half of which go to "non-needy" or caretaker families. Two state caseworkers are assigned to handle the Indian TANF families on the Warm Springs reservation.

The state uses the social support services offered by the Warm Springs Tribe to assist TANF families, making referrals to the tribe for JTPA, early childhood development and day care, mental health counseling, and alcohol or drug treatment. Even though Warm Springs has chosen not to administer its own TANF program, the tribe works with the state to some degree.

Impact of TANF on the Warm Springs Reservation

The tribal employment services program reports a definite increase in the demand for services since the implementation of TANF. The entire range of services is in demand, from pre-employment counseling (job readiness skills), interviewing techniques, resume writing, job search assistance, to vocational skills and general equivalency degree (GED) and pre-GED training. Requests for job-related services—including childcare, transportation, and help with reinstatement of driving privileges—have also increased. Despite markedly greater demands, the tribe's employment program workers say they still can meet the needs of their non-TANF clients. However, the lack of funding for alcohol and drug abuse referral programs remains a persistent problem. Although staff try to use Indian treatment centers—where costs are minimal or service is free—long waiting lists make this difficult. The tribe's Social Services Department director attempts to work with the state to avoid duplication of efforts.

The BIA operates the General Assistance (GA) program on the Warm Springs Reservation. The GA population consists mainly of older adults (30 to 45 years old) with no work history, no Social Security Income (SSI), and a high incidence of alcohol and substance abuse or other disabling conditions. A large percentage of these GA recipients are seasonally unemployed families. Before applicants are evaluated for GA, the BIA requires them to apply for TANF benefits and only considers them if TANF benefits are denied. The cash benefits must be the same as the state's TANF allowances: GA pays $395 for a family of two. Since this requirement was imposed, about two or three former TANF families have applied to the BIA for General Assistance.

TANF families require a range of childcare services, including infant and toddler day care, after-school childcare, and evening childcare. The Warms Springs early childhood program is strictly center-based and under-funded compared with other state-funded centers. Funding is provided to the center based on TANF family accounts. There are 250 parent accounts with the center. Some parents are required to make co-payments.

Warm Springs' Views of the Strengths and Weaknesses of TANF

The underlying concept for TANF is viewed as important by the Warm Springs Confederated Tribes. There is agreement that the chronically unemployed must move into the work force. However, the implementation of welfare reform has not met expectations. One social worker explained, "Simply passing a public law is not going to change lifestyles."

Tribal staffers report that welfare reform has had a negative effect on their community. They have observed a loss of benefits for Indian families, including meal reimbursements for childcare providers, which has resulted in these families relying on tribal resources. The state sends caseworkers to Warm Springs only twice a week. Needy families otherwise must find transportation to Madras, which has proven to be difficult for most. As a result, some families do not receive the benefits for which they are eligible, or the attention they need. Staff members report that greater numbers of families are using the tribal commodity foods program. Limited seasonal jobs on the reservation—especially during the winter months from November to April—strain work requirements and tribal food programs. In the words of one tribal staff member, "Tribal resources are being tapped out."

New work participation requirements under TANF are seen as too stringent for the tribe. Tribes lack the infrastructure to absorb a new computerized system and operate it without receiving administrative funds. There is a perception among Warm Springs workers that the rigidity of new TANF requirements is adding stress to the lives of already struggling families, and causing an increase in domestic violence. However, Oregon has one of the most lenient systems of all 50 states, allowing time limits to stop as long as clients comply with the program. It is critical that tribes operating under state TANF plans fully understand the plans and advocate for sensitive treatment for Indian families. The Oregon model can be used to protect families. For example, the model protects the eligibility of families with multiple employment barriers, provided there is advocacy and intervention on their behalf and that the families cooperate with program rules. Although the state continues to administer the TANF program for the Warm Springs Confederated Tribes, it is clear that the tribe is still in the leadership role and retains most of the responsibility for protecting needy Indian families.

CHAPTER 3: THE WISCONSIN EXPERIENCE

In 1996, before the welfare reform act of 1997, Wisconsin implemented a new program called Wisconsin Works, or W-2, to replace Aid to Families with Dependent Children (AFDC). A leader in the state welfare reform movement, Wisconsin's goal was to create a new approach encouraging self-sufficiency based on independence through work rather than dependence on a welfare system. The W-2 program's objectives were to provide benefits that reward work and self-sufficiency, to provide support services that enable employment, and to step up efforts to collect child support. The program also requires parents who are minors to live with their parents and attend school. PRWORA incorporated many of Wisconsin's approaches.

Wisconsin's W-2 program authorizes the state to contract with counties, tribes, and private entities to administer components of the program in designated geographical service areas, including federally recognized Indian reservations. PRWORA also gave tribes an opportunity to administer their own TANF programs. Four of Wisconsin's 11 federally recognized tribes opted to implement their own TANF program, while three decided to operate under the W-2 program. The three tribes opting for W-2 had been Income Maintenance Agencies for the state before federal welfare reform.

Wisconsin has aggressively sought to privatize or channel aspects of welfare efforts through contracting. Following enactment of federal welfare reform legislation, a statewide welfare-to-work task force was established that included some tribes. All tribes were invited to attend task force discussions. Private agencies, counties, and tribes were given an opportunity to bid competitively to administer components of the state TANF system. The tribes who had previously operated the state's AFDC and Job Opportunities and Basic Skills (JOBS) programs were in a more competitive position.

Total funding allocations for tribal TANF programs were calculated, including federal support for JOBS programs for all reservation residents (including non-Indians). The state did not provide matching maintenance-of-effort dollars for TANF activities. For some tribes, federal funding was more generous than W-2 funding. For others, it was less. As a result, many tribes had to subsidize their programs with their own resources. The state justifies this by reasoning that tribes could have contracted to run a W-2 program. However, those that did would have had to adopt the state's plan. Under TANF, a tribe can create its own plan within federal and state guidelines, but would risk not receiving the full share of state maintenance-of-effort funds.

The three tribes that submitted a plan to operate the W-2 program will receive TANF funding through the state to provide W-2 services. The four tribes that submitted their own plan to operate TANF will administer those services according to their approved federal TANF plan. The state's remaining tribes will receive TANF benefits through their county or another provider. The tribal participants will continue to be eligible for food stamps and medical assistance as

determinations are made. Wisconsin is the only state that gave tribes the option of contracting to administer food stamps and medical assistance.

Wisconsin tribes conduct their own eligibility determination for TANF, food stamps, and medical assistance. Originally, the four tribes choosing to operate their own TANF programs also attempted to contract directly with the federal government for food stamp administration. When that request was denied, the tribes approached the state and forged a contractual arrangement. Some tribes previously had been designated as Income Maintenance Organizations on their reservations, helping to administer state programs such as AFDC. In these cases, it was easier to calculate the number of Indian families on AFDC. By contrast, that task was harder for other reservations where state offices had not already contracted with the tribe. From the state's perspective, the hardest part of the transition to TANF was gathering 1994 AFDC statistics to calculate tribal funding allocations, due to variations in the quality of data among different counties and tribes.

STOCKBRIDGE-MUNSEE COMMUNITY BAND OF THE MOHICAN INDIANS

The Stockbridge-Munsee Band of the Mohican Indians is located in Bowler, a rural area in the central part of Wisconsin. In May of 1997, the tribal council voted to submit a proposal to DHHS to operate its own TANF program. The tribe estimated it would carry a monthly caseload of 20 families in Bartleme and Red Springs Townships. Defining the population to be served by the tribal TANF program was a difficult task. That population consisted of enrolled Stockbridge-Munsee who lived within federally recognized reservation boundaries, and any adults served by the tribe within the preceding three years (from October 1994 to September 1997).

Coordination with the State

Since 1978, the Stockbridge-Munsee Band has contracted with the state to run its own AFDC program. The Stockbridge-Munsee Band is also one of the state's income maintenance agencies. Because the tribe chose not to administer the state's W-2 program, the state does not provide any matching (maintenance-of-effort) funds for the TANF efforts. The tribe sees this as a sovereignty issue and was unwilling to accept state oversight just to gain the additional funds. It seeks to be self-sufficient, and views tribal administration of TANF as a continuation of its existing AFDC program. The added benefit of creating the plan allows the tribe to set criteria for participation. The tribe also accepted the responsibility to administer the food stamps and medical assistance programs, and the state provided them with a certain percentage of funds for administrative purposes.

In reaching a decision about TANF, the tribe consulted with the state and worked to create a mutually beneficial agreement. Tribal sovereignty, the ability to safeguard and support traditional tribal values, and protecting the interest of Indian families were key considerations for tribal leaders in making their decision to administer TANF.

Although tribal leadership does not necessarily agree with Wisconsin's welfare reforms, the tribe and state are working together to make this transition a success for families. Because they did not want to reclaim the functions the tribe had assumed as an income maintenance agency, the state was motivated to ensure that the tribe continued to function in this capacity under TANF. However, tribal leadership is skeptical about the motives of both the state and federal governments. For decades, the tribe has been subject to various laws and policies that, in its view, have eroded traditional tribal values, cultural practices, and families. Administering their own TANF program may be a way for the tribe to regain some control and to strengthen its sovereignty and self-determination, as it has been for the Siletz tribe of Oregon.

Training and Technical Assistance

The state reports that the Stockbridge-Munsees did their own research on TANF eligibility and other requirements, and developed their own criteria for the program. From the tribe's perspective, the hardest part of deciding to run a TANF program was developing the plan while grappling with a lack of education about welfare reform. Tribal workers, including one in childcare and one in social services, were critical of the lack of state-administered TANF training and technical assistance. While the state offers a six-week training course for tribal employees working in food stamps and medical assistance areas, it does not provide TANF-related training or technical assistance, according to one tribal leader. He surmised that this was because his tribe was already administering AFDC as an income maintenance agency, and the state did not think the tribe needed extra training.

The Plan and Structure

The Stockbridge-Munsee Band proposed to serve about 20 families per month in two rural communities. The tribe defines a needy family as one whose total income is equal to or less than 150 percent of federal poverty guidelines. To avoid duplication in services, all clients are monitored through a state data system called Client Assistance for Re-employment and Economic Support (CARES), which identifies their current status. Employment opportunities on and near the reservation include public and private sector employment, such as tribal government, the Mohican Northstar Casino, a tribal golf course, and small local businesses. A TANF case manager coordinates these job opportunities and other programs such as those under the Job Training Partnership Act (JTPA). Off-reservation opportunities are identified through JOB NET, a statewide employment computer listing. The tribe requires the same work participation levels as the state does. It estimates there will be at least 25 percent participation in fiscal year 1997 and 50 percent by the year 2002. Two-parent families will be expected to participate at 75 percent in 1997 and 90 percent by 1999. Approved activities that will count toward work participation include:

- Job readiness/motivational activities
- Employment counseling

- Job search skills training
- Individual job search counseling
- Job survival/retention
- Job development
- Life skills training

The overall time limits in the Stockbridge-Munsee Band's TANF plan are consistent with federal welfare reform law. No client can receive cash benefits for more than 60 months (whether consecutive or not). The plan provides for no more than 20 percent of the caseload to be exempt from this time limit due to certain hardship conditions.

Support services for TANF families will be coordinated through various resources. The tribe's TANF program will work with the state to provide food stamps, childcare, medical assistance, and child support enforcement referrals. Additional support services to be offered through the tribe and other agencies include social services, weatherizing houses, commodity foods, JTPA, education programs, Head Start, alcohol and drug treatment, mental health counseling, and other health services. The tribe can also make referrals to the College of Menominee Nation and the Northern Central Technical College.

Cash payments to TANF families are based on each family's percentage of work participation. Complete refusal to participate without good cause is reason for being terminated from the TANF program. Tribal case managers monitor cases. Once the case manager authorizes payment, the tribal payroll office issues the check. Although the case manager also determines food stamp eligibility, these are issued by the state. All systems are monitored for fiscal control and quality by DHHS.

Impact of TANF on the Stockbridge-Munsees

As of spring 1998, the Stockbridge-Munsees had 23 enrollees in their TANF program: one two-parent family, 13 single-parent families, and nine individuals were who were long-term welfare recipients. An April 1998 progress report to the tribal council states that, on average, there were 13 to 14 families enrolled per month and that the program was running smoothly. Six cases had closed and six clients had found jobs.

The other source of support for needy families is the Bureau of Indian Affair's General Assistance (GA) program, which provides cash assistance for primarily single, unemployed adults. Of the 12 most recent Stockbridge-Munsee GA applicants, two found jobs and three never returned to pick up their checks. GA is not provided for TANF clients terminated for noncompliance. GA payment levels have increased and are now consistent with TANF levels.

At the time of the change to TANF, unemployment was at an all-time low. The TANF director reported a 2.8 percent unemployment rate locally, stating, "jobs are available for anyone who

wants to work." A recent career fair was held for local businesses and agencies to recruit new employees. Of the tribe's 55 JTPA clients, 25 were placed in jobs. Many employed participants seek additional training, mainly in computer skills, to enhance their potential for upward mobility. The biggest unmet needs for those seeking employment are job readiness for the long-time unemployed and resources for alcohol or drug treatment.

Childcare also remains a problem for TANF participants, according to one tribal leader. He was concerned that the emphasis on work participation took parents away from their children and placed children under the care of others. There was also a major unmet need for toddler care. The tribe provides childcare services for youngsters up to age 6, Family Services runs a separate program called After-School Cares, and Head Start is available to TANF and non-TANF parents. Relatives or other babysitters generally provide evening care for children. TANF parents can choose between center-based care and home care. If parents already have a babysitter, they can have the babysitter certified and become eligible for payment. TANF covers center-based care, with parents responsible for a weekly co-payment. Childcare staff members said they did not receive TANF training, which may have helped them coordinate these services for TANF clients. The tribe also determines eligibility for W-2 childcare under state contract. Under this program, childcare assistance is available for all working parents who earn up to 165 percent of the federal poverty level.

Stockbridge-Munsee Band's Views of the Strengths and Weaknesses of TANF

Administering their own TANF program has been relatively successful for the Stockbridge-Munsee Band because, as one tribal leader stated, "all the resources are there." The tribe's strong focus on education and employment has helped several former welfare families move to independence. Employment opportunities do not seem to be problematic, because the tribe itself employs more than 800 people—even though the tribal casino employs about 60 percent non-Natives. With turnover, more jobs should be available at the casino for TANF parents who want to work.

The program's weaknesses were based on the limited amount of time and support provided during the transition from AFDC to TANF, and on the lack of technical assistance from the state. There is a concern that clients are being placed in dead-end jobs, and that more should be done to help them advance. One elected official thinks the program's main weakness is that it does not place enough emphasis on education. "Education should be a major component," he said. "Make someone's dream."

The community's reaction to the change from AFDC to TANF was reportedly mild. The tribal staff tried to educate the community in advance through newspaper articles, community meetings, and tribal council briefings. Tribal staff expected that some families would not be able to make the transition and would require more intensive case management and support services. However, the experiences appeared to be positive and the outlook optimistic.

FOREST COUNTY POTAWATOMI TRIBE

The Forest County Potawatomi Tribe is located in Wisconsin's far northeastern corner. Tribe-owned lands are scattered throughout Forest County and tribal enrollment is just over 1,000. The tribe operates two gaming facilities, a logging enterprise, a hotel, a gas station, a deer ranch, and a health center. Despite the tribe's economic success, many families live below the poverty line, and the tribe has a high percentage of unemployed adults.

Coordination with the State

The Forest County Potawatomi Tribe decided to run its own TANF program. Tribes generally do not do well under state systems, according to one tribal elected official "They just use our people for a head count," he stated, observing that the state's philosophy of service differs from the tribe's. The council was concerned about cultural clashes between tribal families in need and state workers administering welfare reform. In the past, the state has not dealt with the tribe in a true government-to-government fashion. The state has refused to provide matching (maintenance-of-efforts) funds for TANF, but the tribe can subsidize the program with gaming revenues. A strong commitment to self-determination combined with lucrative gaming revenues put the tribe in a good position to administer its own TANF programs.

Tribal staff seems to work more closely with state officials on a daily basis. The Forest County Potawatomi Tribe uses the same forms as the state does, and also uses the state's computerized data system to access information. The tribe also administers components of the food stamp and medical assistance programs for the state. Because the tribe was not an income maintenance agency, it was harder to set up the TANF system and determine allocations than it was for tribes already contracting with the state. But the Forest County Potawatomi's Native Employment Works (NEW) program gives the tribe yet another advantage and provides additional resources for TANF clients and staff.

Training and Technical Assistance

Though the state provided very little technical assistance and training, the council felt confident in the expertise of the tribal staff implementing the TANF program. The policies were still in draft form when the council opted to go forward with TANF. The program's newness made it difficult for workers to keep up with various changes and the required implementation schedule. The demanding schedule required the tribe to retrain current staff and add new hires. The state helped with the transition by providing training to all the staff.

The Plan and Structure

The Forest County Potawatomi Tribe had experience administering the BIA's General Assistance program, the energy assistance and weatherization programs, and the federal JOBS program. They incorporated all of these programs into their TANF service structure. The tribe also

contracts with the state to administer the food stamps and medical assistance programs, and uses the statewide JOBS NET service online. Besides a TANF director, the tribe employs a caseworker and an intake worker. Services are provided to enrolled tribal members residing on the reservation who meet the state-defined financial eligibility requirements. The tribal elected official sees the one-stop shopping aspect of their TANF plan as the program's biggest success, making it even better than the program run by the state.

The Forest County Potawatomi Tribe's TANF services are housed under the tribal Social Services Department, which operates directly under the tribal council. No state matching funds are provided. The tribe has subsidized the program and attempts to make all dollars available for the delivery of services and cash benefits to clients.

Upon intake, case plans are developed in consultation with the individual family. The case plan includes an assessment of need and an employment plan. In addition to TANF benefits, the support services provided to families include:

- Energy assistance
- Food stamps
- Medical assistance
- Federal JOBS
- JTPS
- NEW
- Childcare and kinship care, and
- Referrals for veterans' benefits, Indian Health Service, General Assistance, and related services.

Participation requirements and time limitations are consistent with the federal welfare reform law. Clients are limited to no more than 60 months cumulative in a lifetime, unless exempted for certain conditions. Clients refusing to participate are subjected to progressively more severe sanctions, leading to termination from the program. Clients must engage in approved work activities at least 20 hours per week and 30 hours per week for two-parent households. These activities can include searching for jobs, job readiness and training programs, vocational training, work toward a general equivalency degree (GED), skills training, community service activities, and subsidized employment. These services are coordinated with NEW resources as well as other tribal and local resources. The tribal employment program operates separately from the tribe's TANF program and gets referrals and self-referrals from non-TANF clients as well.

TANF benefits are processed through the tribal financial department. No indirect costs are taken out of the grant. Upon determining a client's eligibility, the intake worker and the caseworker write a letter to the client and refer the client to the NEW Program. Upon completion of NEW requirements, a client's cash benefits are processed on the first of the month.

Impact of TANF on the Potawatomi Tribe

Leaders of the Forest County Potawatomi Tribe believe that there are enough tribal and private sector jobs to employ TANF parents if they are willing to work. The tribal program has found employment opportunities for clients with the tribal deer farm, casino, childcare center, elderly programs, youth programs, logging, and construction. Private sector jobs have been available at a local nursing home.

The tribe has instituted a per capita payment from gaming revenues for adult tribal members, which has stemmed anticipated growth in referrals to the TANF and NEW programs. Many TANF clients are focusing on getting their GED before looking for employment. The employment workers report "some clients get jobs right away, and others have to be taken by the hand."

The Forest County Potawatomi conducted a series of activities to better educate its community about the changes resulting from the switch from the AFDC entitlement program to the TANF and NEW programs. These educational efforts included describing the program in newspaper accounts, public meetings, signs, posters, and letters. Now that the program is under way, the tribe plans to hold another public meeting to discuss TANF. The reaction from tribal members was mostly positive. Although there were a few skeptics, staff members report that most responded favorably to the work requirements and were pleased to see the food stamps and medical assistance programs shift from state offices to the tribe.

Potawatomi Views of the Strengths and Weaknesses of TANF

According to an elected tribal official, the tribe is always looking for opportunities to diversify economic growth in a culturally appropriate fashion. He regards the tribal TANF system as a way the tribe can take care of its own people. In his view, The Forest County Potawatomi Tribe has an extremely qualified and capable staff to implement the TANF and NEW programs. Although he anticipates harder economic times in the future, he sees the development of strong TANF and NEW systems as a safety net for families who fall unexpectedly into poverty or unemployment. As with many federal and state initiatives, the tribal perception is that the need exceeds funding allotments.

The weaknesses of TANF include the unmet needs of medical assistance for parents, transportation, and education services. The lack of 100 percent state matching funds and the failure of the federal government to provide funding for administrative costs are the most significant weaknesses in the system overall. Staff turnover was a shortcoming as the program began, although it has since stabilized. According to staff and elected officials alike, the greater discretion the tribe has to shape and define the program and services, the better the program will serve the tribe's members.

ONEIDA NATION

The Oneida Nation does not administer a TANF program. Instead, it contracts with the state as one of three tribes administering the Wisconsin W-2 program, the state-enacted replacement for Aid to Families with Dependent Children. The Oneida Nation was one of five tribes in Wisconsin that had previously contracted with the state as an income maintenance agency to administer state services. Today, the Oneida Nation contracts to serve everyone within the boundaries of the Oneida Reservation, which encompasses parts of Brown and Outagamie Counties and includes both Indians and non-Indians. As a W-2 income maintenance agency, the Oneida Nation handles food stamps, medical assistance programs, Healthy Start, health insurance for low-income families, a burial program, medical transportation, and other social services.

Coordination with the State

The Oneida Nation started contracting with the state as a W-2 provider on September 1, 1997. Today, the tribe's system is fully integrated with the state of Wisconsin's W-2 welfare reforms. The Oneida Nation uses the state's single-form system and can access the state's computerized CARES system, as well as its online JOBS NET listings. It is anticipated that this access will expand to interstate data systems in the near future. Initially there were questions about how much discretion the tribe should have in allocating the funds under W-2, but these concerns were eventually resolved. Though the W-2 option for support does not seem as flexible as the TANF program, with W-2 the tribe gets additional administrative resources for implementation. The tribe must still follow state and federal guidelines.

Training and Technical Assistance

All of Wisconsin's W-2 grantees received extensive mandatory training. The Oneida Nation was already one of the state's contractors as an income maintenance agency and staff members had been trained accordingly. Childcare workers were mandated under W-2 to be certified for W-2 programs, and were offered the necessary training by the state.

The Plan and Structure

The Oneida Nation operates a state-contracted W-2 office providing state services to all residents within the tribe's geographic service area, both Indian and non-Indian. This area includes the reservation and parts of Brown and Outagamie Counties. Under the W-2 program, the following services are covered:

- Financial and employment planning assistance
- Job search

- Four work options: unsubsidized employment, trial jobs, community service jobs, and W-2 transition resources such as education, training, mental health, and AODA (alcohol and other drug abuse) treatment
- Childcare
- Food stamps program
- Health care
- Job access loans
- Employment skills advancement grants
- Transportation assistance

People eligible for services under the W-2 program include parents or caretakers of children who meet financial eligibility requirements. These requirements vary for different services. Time limits not to exceed a total of 60 months are placed on those who receive job-related services. Participation in the W-2 program is limited to 24 months for any one type of position. The state maintains its role by coordinating with the various W-2 providers across the state. Wisconsin required in its request for proposal (RFP) that any entities proposing to serve Indian reservations must ensure culturally sensitive services and coordination with tribal programs. The operational functions of the tribal contractor are listed in the state RFP as the following:

- Administer day care funds
- Set maximum childcare rate
- Determine parental childcare co-payments
- Issue childcare vouchers
- Certify childcare providers
- Help select childcare providers
- Determine medical assistance eligibility
- Coordinate with Job Centers' employer services team
- Certify eligibility for and issue food stamps
- Conduct child support intake
- Determine eligibility and placement for kinship care
- Provide school attendance information

The Oneida Nation staff use the statewide CARES computerized system to enter information for client assistance and cash benefits for eligible participants. The state then issues payment to the client.

Impact of TANF on the Oneida

The fact that the tribe has opted not to administer TANF does not mean it is sitting on the sidelines. On the contrary, the Oneida Nation is in the middle of welfare reform and experiencing many of the same concerns and challenges faced by tribes running their own TANF programs. The Oneida Nation is working to achieve 50 percent employment of its W-2 caseload. But it has found that, although many clients are ready to work, many more have limited job skills and need further preparation.

One year in advance of welfare reform, the Oneida Nation launched a major educational effort. It placed ads, sent mass mailings, and interviewed lay people and tribal administrators about how they perceived welfare reform. The resulting research and response enabled the tribe to design a culturally sensitive program. For many of those receiving AFDC, the changes were a "culture shock." Eventually, families on AFDC began to understand that they really had to become self-sufficient. Only a few have resisted this change.

One advantage to being a W-2 agency is that the Oneida Nation can provide "one-stop shopping" for benefits—that is, they can give clients access to all state services through the CARES computer system. Clients eligible for cash benefits receive their payments on the first of the month directly from the state. Tribal staff members have found that many families qualify for some services (such as food stamps or medical assistance), but not for others (such as cash benefits). The tribe's employment services director reports that the tribe has instituted Oneida preference and Indian preference in job placements. They currently serve 53 percent Oneida tribe members, 11 percent other Indians, and 36 percent non-Indians. Those served include both W-2 clients and non-participants. The biggest challenge the tribe faces is dealing with unemployed clients who (1) have multiple barriers to employment (such as alcohol, drug problems, or mental problems), (2) lack a driver's license, or (3) have a criminal record. Staff members are nevertheless optimistic that they will be able to reach their 50 percent employment goal.

Currently only two individuals receive benefits from the BIA's General Assistance program, which is primarily for single adults. Now, any client applying for GA who formerly received AFDC is referred to the W-2 program for services. Noncompliant adults are not accepted into the GA program. A noteworthy downside to this is an increase in the requests for emergency food rations since the change from AFDC to W-2. Family weatherization funds are also tapped out, according to Oneida Nation workers.

The Oneida Nation provides childcare services through the W-2 system. Various childcare options are available, including Head Start, early childhood programs, licensed day care, family licensed homes, and relatives. The tribal program can certify centers and homes to make them eligible for payment. The tribe's Child Care Block Grant (CCBG) states that 65 percent of the funds should be used for direct services and 35 percent can be used for administration of services. Currently 1,630 children receive childcare. Information about childcare resources is

given to parents, who make their own decisions about child placements. The center then attempts to enroll the family through the automated W-2 system. All payments are transferred electronically or mailed to the providers. If childcare is provided through the CCBG, the information is entered by hand and sent to the tribal accounting department for payment to the provider. The biggest drawback to this program is the co-payments, which are so high that many parents will not even apply for childcare, especially if many of their children need care. Staff members think that these high co-payments are actually reducing the quality of care for children, forcing parents with multiple children to ask a grandmother or older sibling to watch the children and not reporting it for fear of being sanctioned or deemed noncompliant.

Oneida's Views of the Strengths and Weaknesses of TANF/W-2

Oneida Nation staff members see TANF/W-2 as a system that leaves clients feeling better about themselves. Welfare reform is positive because "too many people were depending on welfare, but now they've become self-sufficient and have taken the responsibility for themselves," according to one interviewee.

The system's weakness, according to staff members, is that W-2 does not track what is happening to children. High co-payments for childcare have resulted in clients finding lower-quality childcare on their own.

The TANF/W-2 system makes it hard to look at family situations on a case-by-case basis. Returning to work for some parents can be very difficult. For example, a mother with an alcoholic spouse and numerous children may require special consideration. According to the staff's understanding of state regulations, a woman in this situation still would have to work. There is a fear that families with the most barriers to employment will fall through the cracks. Further, the state recently changed its policy on emergency assistance, making it available only once every three years rather than once per year. This will exacerbate problems for families facing emergencies such as unpaid utility bills or delinquent rent.

Finally, some Oneida Nation staff members are skeptical about the entire reform effort. They see it as an attempt to make the state of Wisconsin look good, and not necessarily an effort to help needy families. For example, some staff members feel that the state's emphasis is on reducing the number of welfare recipients rather than providing quality care. They point out that the state has instituted policies that shift families—such as parents receiving Supplemental Security Income and kinship custody cases—out of the welfare system and into other branches of state government. Doing so makes it look like the number of people on welfare has declined, when in fact people are simply being moved to other departments of the state system. Staffers fear that emphasis on reducing welfare rolls will result in the loss or neglect of the most needy families.

CHAPTER 4: THE ARIZONA EXPERIENCE

Arizona preceded federal welfare reform with its own version of Temporary Assistance for Needy Families (TANF), called the Empower Program, enacted in 1995. The program was designed to move people toward self-sufficiency and is administered by the state's Department of Economic Security. The state's TANF plan integrates the Empower Program and federal requirements of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). The updated Empower Program encompasses the following:

- Personal responsibility
- Work requirements
- Support services (childcare, medical benefits, and transportation)
- Child support enforcement
- Domestic violence program
- Short-term crisis program
- Tax credits
- Arizona Works (a pilot program allowing private contractors)

The state claims to have a strong working relationship with Arizona Indian tribes. It has decided to locate assistance programs directly on tribal lands. Two tribes have chosen to administer their own TANF programs: the White Mountain Apache Tribe, northeast of Phoenix, and the Pascua Yaqui Tribe, near Tucson.

Arizona's TANF plan provides assistance to needy families with children if these families meet financial criteria, and to children who lack parental support. Families receive cash assistance in the form of warrants issued to a specified member. Recipients must participate in the Empower Program for employment, training, and education components. Childcare is available to recipients who need it in order to fulfill work requirements. Access to the Empower Program is limited to 24 months during a five-year period, and 60 months total during a lifetime. The state has decided not to include cash assistance recipients in its work requirement rate if they are in a tribal TANF plan or a tribal Native Employment Works (NEW) program. Further, Arizona provides state matching funds to tribes administering TANF services.

WHITE MOUNTAIN APACHE

The White Mountain Apache Tribe is located on the Fort Apache Indian Reservation in east central Arizona. The reservation comprises more than 1.6 million acres in Navajo, Apache, and Gila Counties. Whiteriver, about 190 miles from Phoenix, is the tribe's headquarters. The White Mountain Apache operate a successful ski resort, gaming facility, hotel, timber company and

sawmill, as well as various government entities, including a hospital and nine schools. Tribal enrollment is estimated at 12,500 members.

Coordination with the State

The White Mountain Apache Tribe works very closely with the state to implement a culturally sensitive, tribe-specific program. Rather than turn welfare reform entirely over to the state, in 1996 the tribal council established a welfare reform coordinator position. The coordinator's task was to develop a tribal TANF plan, giving the Tribal Planning Department the lead in administering it, negotiating with the state, and overseeing operations. After the plan had been developed and approved by the White Mountain Apache Tribe, daily functions would be contracted back to the state. The contract was being implemented as these interviews took place.

The White Mountain Apache's objective was to gain control of fundamental policy decisions that would govern how their people would be treated under TANF, and then to turn the operations back to the state for implementation. Tribal elected officials and planning staff members alike seemed confident they made the right decision and are waiting to see the results in the coming year. The tribe was skeptical about the state policies and wanted a TANF Plan that was more appropriate for and easily accessible to tribal families.

The types of changes made by the tribe included adopting more lenient work requirements and more appropriate work activities, placing more emphasis on community service activities and reducing the weekly work requirement to 16 hours per week for both single and two-parent households. The tribe also modified the number of years allowed for receipt of cash assistance and the type of sanctions for noncompliance. The White Mountain Apache council voted to pursue TANF because it feared the state of Arizona might toss 165 families out on the street, according to one elected tribal official. The council acted to protect the tribe's families from a welfare reform system that might have dealt with them too harshly. After amending the plan to make it more appropriate for its families, the tribe returned it to the state to run.

The White Mountain Apache strategy of allowing the state to run TANF had the potential to benefit the recipients, because the state also administers the food stamps and medical assistance programs. White Mountain Apache welfare clients therefore could benefit from both one-stop shopping and a program designed with their specific needs in mind.

Training and Technical Assistance

As they deliberated their options under TANF, tribal staff and elected officials report receiving training and technical assistance from the State of Arizona and a private consultant. The state and tribe are planning to develop a case management team to oversee the TANF caseload once the contract has been implemented. Together, they are working to make state-computerized data more accessible so that services to TANF clients will be coordinated.

The Plan and Structure

Services provided to needy Indian and non-Indian families living on the White Mountain Apache reservation include cash assistance, support services, and employment assistance. The tribe directly provided the following support services:

- Adult basic education and general equivalency diploma (GED)
- Job Training Partnership Act (JTPA) training and basic skills
- Childcare Development Fund services
- In addition, the tribe will make referrals for TANF recipients to the following:
- Vocational Skill Center
- Adult basic education
- Childcare programs
- JOBS program
- Arizona Health Care Cost Containment System (AHCCCS)
- Women, Infants, and Children (WIC) program
- Legal aid
- Elderly services
- Low-Income Housing Energy Assistance Program
- Tribal housing authority
- Tribal social services
- Job Training Partnership Act (JPTA)
- Childcare Development Fund services

The state Department of Employment Services office is located in Whiteriver near tribal headquarters. The office employs numerous Indians, many of whom speak their native tongue. This culturally diverse and sensitive state staff made the White Mountain Apaches more comfortable in contracting the administration of TANF services back to the state. State offices will conduct the following activities:

- Take applications
- Determine eligibility for cash assistance
- Maintain client files
- Introduce individual development (savings) accounts to clients
- Issue benefit payments
- Assign and monitor work activities
- Handle general case management

The tribe's work participation goals are lower than the state's: 15 percent of adults in single and two-parent families were to be working in 1998 and 30 percent by 2001. Under the tribe's TANF plans, clients can receive cash assistance for a total of five years, including three years during which they get full TANF benefits and must participate in a work activity. Months in which certain hardship conditions are met do not count toward the five-year limit, including months in which the percentage of unemployed adults on the reservation exceeds 50 percent. The tribe has a 58 percent adult unemployment rate, according to the Bureau of Indian Affairs (BIA).

Allowable work activities were expanded under the tribal TANF plan and include the following:

- Unsubsidized/subsidized private or public sector employment
- On-the-job training
- Job search and job readiness assistance
- Community service activities
- Vocational educational training (12 months maximum)
- Job skills training or education related to employment
- Education (high school, ABE/GED)
- Provider of childcare services to other participants in TANF
- Self-employment
- Work supplementation

The tribal TANF plan also includes a provision for Individual Development Accounts (IDA's), which can be used to pay for post-secondary education, buy a first home, or capitalize a business. Clients can contribute up to $25 per month to their account, which is disregarded in calculating TANF eligibility. The TANF program will match $2 for every $1 contributed per year, up to $300.

Impact of TANF on the White Mountain Apache

White Mountain Apache staff members are optimistic that the TANF system, with the changes provided in the tribal plan, will benefit their families. "The majority of the people on welfare want to work," observed the tribe's TANF manager. The tribe has sponsored several information sessions on welfare reform for the community and for tribal programs. In addition, the tribe's chairman has written several newspapers articles on TANF. The community's reaction to all of these changes is still unclear, because the contract is just now being implemented. Many families still do not understand that they might be permanently disqualified.

The biggest obstacle faced by the White Mountain Apache, according to staff, was the lack of start-up and administrative funding. In their view, federal laws are more sympathetic to states administering these programs than they are to tribes.

The state deadline of 24 months to terminate public assistance was unrealistic for the tribe. Before the November 1, 1997 deadline, the White Mountain Apache sought and won a one-year moratorium preventing the termination of tribal families from public assistance. The tribe's TANF plan will start the clock over again for those families under the new tribal timelines, but will not affect the total time limit. The chairman reported that welfare recipients voiced concerns about changes in the system at tribal council meetings. Despite the one-year moratorium, they worried about the deadline.

At the time of this study there were approximately 90 to 100 people on BIA General Assistance (GA). They were either unemployable due to lack of skills or alcoholism, 55 or older with no dependents, or employable and under age 45 with eligibility for Supplemental Security Income pending. The majority were single unemployed adults. These individuals would not otherwise be served by TANF. The cash benefits of GA conform to the benefits structure of TANF.

The biggest concern about employment requirements is the lack of jobs in the area. The White Mountain Apache chairman expressed grave concern about the adult unemployment rate, which exceeded 50 percent in 1997. At the time of the study, there were 2,000 tribal jobs for a population of 12,500. The major jobs available to tribal families were positions based in natural resources, tourism, recreation, retail, and forest services. Future population increases are expected due to people returning to the reservation and an annual birth rate of 3 percent. The first priority for Job Training Partnership Act (JPTA) services is for those on public assistance or TANF. The tribal employment services department provides pre-employment services (job readiness skills, interviewing techniques, resume writing), job search assistance, and vocational skills training.

Unfortunately, even when participants are trained and ready to work, there are simply no jobs. Other barriers to employment include alcohol abuse and behavioral and mental health problems, all of which make job placement unrealistic without long-term intervention. For those who do not have those barriers, the prospects are still few. This is illustrated sadly by the two-year builder trades program: of the program's 25 recently graduated carpenters, all remain unemployed. Further, of the five tribal members who completed a five-month computer training program, some must commute 100 miles a day to work. The White Mountain Apache Tribe does not have a JOBS program or a NEW program to help create employment opportunities.

Childcare referrals are generally made through the JTPA program when TANF clients are seeking work activities. However, there is a 10- to 15-day wait before childcare is identified and all applications are processed. Childcare staffers receive TANF training from the state and from a private consultant. TANF parents are tracked by the childcare program to make sure they obtain the childcare they need and do not get lost in the system. TANF clients need all types of childcare, from daycare for infants and toddlers to after-school care and evening care for school age children. However the tribe itself does not operate any childcare programs. Its three-person staff works on placement by parental choice as long as the home or facility meets health and safety requirements. Grandparents are exempt from these requirements.

After a Native American family is determined to be eligible for TANF and enrolled in the program, the state office refers parents to the tribal childcare staff. The staff is seeing more funding for childcare under the TANF system than before. Parents are given a list of available services and allowed to choose. Services are provided only for working parents. If both parents are working, then children are eligible for childcare. However, one of the problems in the new childcare system is that higher income families still in need have been pushed out of the system.

The local state workers describe a "verbal" referral system for tribal support services. The state computer keeps referrals for JOBS. Childcare referrals are verbal to the tribe, as are referrals to GA. The state workers report that sanctions are applied as soon as they are notified from JOBS about those who did not show up for required work activities. The first offense costs the client 25 percent of their grant, the second month it is 50 percent of the grant, and the third month they are removed from the system. Food stamp benefits do not increase if the grant is reduced.

Until the contract is formally sent back to the state, the required coordination between the tribe and the local state offices will not be formalized and operational. This exemplifies the need for one-on-one training and collaboration upon implementing the new tribal TANF plan.

Interestingly, local state workers predict few changes once the contract is sent back to the state to administer on behalf of the tribe. Local staff stated, "It will be contracted back and no one will do anything different. Our jobs will not change—that's what we were told." When asked about the potential for the tribal TANF plan to succeed, local staff responded, "not if the tribe keeps getting waivers and extensions…the tribe will not start counting for seven years until they take over, so it will be 10 years before people lose their benefits. …"

White Mountain Apaches' View of the Strengths and Weaknesses of TANF

The strength of the TANF system for the White Mountain Apaches was the tribe's ability to affect the plan's terms before it was implemented. It is still too early to determine how well this approach works compared with those used in other tribal TANF programs. Nonetheless, the tribe may benefit from its efforts to change key aspects of the state's approach to welfare reform—such as time limits, work participation rates, sanctions, and allowable work activities—in view of local economic conditions and tribal values. There is also support for the philosophical approach to welfare reform: getting people out of a dependence lifestyle and into employment. One state worker said she was already seeing a decline in the number of births to women on public assistance, but did not provide any statistics. TANF work requirements are seen as an important motivation to get people to complete their GED and develop new skills.

One potential weakness lies in bridging the tribe's philosophy, as expressed in its TANF plan, and the state office's willingness to carry it out with the same enthusiasm. A consistent theme during these interviews was the extreme lack of jobs in Whiteriver, which remains a major hurdle. As the TANF manager noted, "even if people really want to work, there just are not enough jobs…we need to do more development." Finally, the potential for disjointed case management is

a weakness that also must be addressed. One staff person mentioned that, as yet, there is no mechanism for coordination between Child Protective Services (CPS) and TANF. More formal liaison activities among programs are needed. Finally, collaboration and coordination between the tribe and the state are absolutely essential for this model to effectively protect Indian families.

PASCUA YAQUI TRIBE

The Pascua Yaqui Tribe is near Tucson in Pima and Maricopa Counties. Enrolled membership in the tribe totals 11,000 people, 2,900 of whom live on the reservation. Of the six major tribal communities, only one is on the reservation; four others are in Tucson and one is in Guadeloupe. Along with the tribal council's vice-chairperson, Fernando Escalante, Ph.D., the tribe's social services director and associate director were major contributors to this case study and worked together as a team to analyze the potential impact of welfare reform on the Pascua Yaqui.

Coordination with the State

Numerous meetings were held between the state of Arizona and the planning committee representing the Pascua Yaqui to identify options for TANF administration. Even though the tribal/state relationship was described as "hostile" around such issues as gaming, the tribe and the state worked positively together on the issue of welfare reform. The state legislature was considering a bill to approve a state request of a waiver from the federal government to allow contracting food stamps and medical assistance to tribes in Arizona.

Training and Technical Assistance

The tribe's social services director participated in many training sessions on TANF and welfare reform. Other staffers were also involved in meetings on the topic. Tribal council officials said they trusted their staff members were gathering information and preparing the best recommendations for the council. Childcare providers did not receive similar training sessions on TANF, because TANF parents were supposed to be referred back to the state for childcare services.

The Plan and Structure

The tribe proposed to serve needy families, as defined in the TANF plan. Criteria for eligibility are income level and family size, and these criteria are consistent with state and federal requirements. The tribe proposed to provide services to all eligible families through a cash assistance program, support services, and childcare subsidies. Parents must agree to participate in the NEW program, sign a personal responsibility agreement, cooperate with child support enforcement, and ensure that children attend school and are immunized.

There is no benefit cap in the Pascua Yaqui Plan and, at the federal limit of 60 months in a lifetime, the time limit for benefits exceeds the state cut-off limit. The tribe has opted to extend the lifetime allowable time limit beyond the state policy. Another option for tribes concerned about the long-

term welfare of "hard-to-serve" families is to expand the percentage of families eligible for exemption from the sanctions. For example, if there is a larger core of multiple-barrier families, a tribe might exempt 40 percent of families rather than 20 percent. The Pascua Yaqui opted to expand the total number of months for all participants.

The period of the TANF plan is from November 1, 1997 to October 31, 2000. Support services for TANF clients include NEW, transportation, equipment for training or employment, supplies, eyeglasses, referrals for medical and behavioral health needs, childcare, and other transitional services.

The Pascua Yaqui social services department will administer the social services. To make certain that Indian families have the convenience of using a single application to apply for benefits—and a single location for receiving them—the tribe proposed to contract the day-to-day administration of the TANF program back to the state. Tribal members will be able to apply for TANF, food stamps, and medical assistance at the local state agency. But, the tribe will provide support services.

Program participants are required to engage in approved work activities once staff members determine they are ready, but no later than 24 months into the program. Allowable work activities include unsubsidized or subsidized private or public sector employment, work experience, on-the-job training, job skills training directly related to employment, job search and job readiness for up to six weeks, community service activities, and vocational education training not to exceed 12 months. The tribe's work participation goals for 1998 were to involve 15 percent of one-parent families and 30 percent of two-parent families.

Impact of TANF on the Pascua Yaqui

Arizona's two-year limit on benefits under state welfare reform threatened to displace 90 percent of the 130 Pascua Yaqui Tribe's TANF families by November 1, 1997. However, the tribe beat this deadline by preparing and gaining approval for its own TANF plan and policies. The tribal plan went into effect on November 1, 1997, prolonging the lifetime limit to the full 60 months allowed under federal law.

The implementation of the plan calls for the tribe to establish the plan and policies, and then to contract the day-to-day operations back to the state. As a result, the state local offices conduct the eligibility review and send the clients to the tribe for JOBS, NEW, JTPA, W2W and childcare services. Under the Pascua Yaqui, the child cap does not apply, and education is an allowable work activity. This system allows Indian families to access the TANF program, food stamps, and medical assistance at one location and through one system.

Both the Pascua Yaqui and the White Mountain Apache have taken similar approaches, adjusting their TANF plan and then returning it to the states to administer. The Pascua Yaqui, however, appear to have a more hands-on approach to family case management, following families and coordinating with local officials to administer services.

The full award of funds for the TANF program is provided to the Pascua Yaqui. The tribe reimburses the state for what the state pays out in cash benefits to tribal clients each quarter, as well as the state's administrative fee. The tribe remains in control of the funds, and keeps a percentage of the grant to cover their own administrative fees.

The 50 Pascua Yaqui tribal members on Bureau of Indian Affairs General Assistance (GA) program are primarily single adults who do not qualify for TANF. Those who are terminated from the TANF program are not enrolled in the GA program. Monthly payment levels are the same for GA as they are for TANF.

Support services are provided through tribal programs for JOBS, JTPA, TERO, and NEW. The tribe and state have agreed to use state childcare funds first, before tapping into the tribe's limited childcare resources. The biggest need is for infant and toddler day care. The tribe's childcare program generally uses relatives for certified childcare placements—99 percent of its care is home-based. Most TANF clients who need childcare are referred to the state first, in keeping with the decision to use state resources for this purpose before turning to the tribe.

Job opportunities are limited for the Pascua Yaqui tribe. The tribe's casino and tribal programs are the major resource for TANF clients seeking work activities. However, although the casino employs 400 people, its future as a source of jobs is uncertain. The tribal-state compact expires in 2001, and it is unclear if the compact will be renegotiated. Other potential entry-level jobs for TANF clients include the local fire department, Head Start, and the Tucson Indian Center (a nonprofit entity). Tribal interviewees could not identify any private sector or state government work opportunities.

Program staff reports that welfare clients are getting and maintaining employment, with three out of four TANF clients employed. However, in addition to the lack of jobs, illiteracy and substance abuse among Pascua Yaqui TANF clients are major obstacles to fulfilling work requirements. Low literacy levels is the most significant barrier, with many adult clients testing at a second to fourth grade reading level. There is widespread concern that five years is not long enough to overcome problems of those most seriously affected by illiteracy.

The Pascua Yaqui JTPA program reported a noticeable increase in employment services, mainly for TANF clients. Clients are requesting GED, Vocational Rehabilitation, JTPA, summer youth employment, job development, summer work program, Upward Bound, and help with issues like substance abuse. The tribal employment services staff reports that about 50 percent of its clients are now employed.

If clients do not comply with the new TANF regulations, the local state office enforces sanctions based upon the tribe's work requirements. In the first month of noncompliance, 25 percent of the grant is eliminated; 50 percent is eliminated in the second month; and, after the third month of noncompliance, the client is terminated from the program. Any action can be appealed.

The local state office staff reports its working relationship with the Pascua Yaqui is "better than most agencies". Tribal staff members are very informed, the local state office employs tribal members, and the tribe and the state readily communicate with one another to address any problems. The state verifies information with requests for documentation. A referral form is used when sending TANF clients to the tribe for JOBS and other support services, a process that will soon be done electronically. Clients are encouraged to apply first to the state for childcare. The only concern voiced by the local state office was a lack of detailed policies between the tribe and the state. For example, the tribe draws down all its grant funds, and then reimburses the state for cash assistance. There does not seem to be a policy stating were the interest on the funds should go. Despite these types of unresolved issues, the program is working well.

Pascua Yaqui Views of the Strengths and Weaknesses of TANF

The Pascua Yaqui tribe has implemented a welfare system that seems to be benefiting everyone, including the families under the TANF program. Various employment and training resources are available to program participants, although there are not enough jobs for people who want to work. TANF is motivating some individuals who have been unemployed for a long time to search for employment. The TANF director stated, "We could have done it without TANF, but this helps us get started. It takes a lot of work."

Given the low literacy levels of many TANF families, the program's five-year lifetime limit on receipt of benefits is seen as a weakness. Another shortcoming is the apparent lack of a long-term plan to produce the number and variety of jobs that TANF participants need, especially considering that jobs available through the tribe could vanish with changes in policies regarding gaming or tribal government funding for other positions.

CHAPTER 5: POLICY ISSUES FOR THE FUTURE

As sovereign governments, Indian tribes have an inherent responsibility to protect and enhance the welfare of their members. TANF offers tribes a tool with which to meet their own community needs. However, significant barriers still need to be addressed.

CHANGES TO FEDERAL LEGISLATION

Tribes administering TANF services have identified the need for changes in federal legislation. Specifically, PRWORA should be reviewed for possible amendments. TANF Limitation of Use of Funds for Tribes[5] provides that, under the act, states can retain all federal funds until they are used. The Department of Health and Human Services (DHHS) has interpreted this provision to allow states, but not tribes, to keep unspent TANF dollars. Tribal dollars unspent at the year's end revert back to the federal government. An amendment is needed so that tribes are treated the same as states.[6]

The lack of start-up funds and allowable indirect funds for tribal TANF programs has been identified as a problem in some tribal TANF systems. Guidance on the treatment of tribal federally negotiated indirect cost rates has been vague. Clearly stated language in federal law that provides for tribal start-up and indirect costs would greatly benefit tribes by reducing the hardship they experience in initiating new services without an existing infrastructure.

Arizona's Pascua Yaqui Tribe is recommending amendments to the Native American welfare-to-work program under the Department of Labor.[7] These amendments would allow basic adult education and vocational training to happen before rather than after employment. Indian TANF clients often need basic remedial education for employment in the private sector. The tribe would like to see such services delivered before clients try to find work.

Tribes administering their own TANF programs should receive state TANF matching funds. Amendments to federal law should be investigated to resolve funding disparities for tribes administering TANF when their state refuses to provide the match. A 100 percent federal pass-through or similar vehicle could eliminate the barrier faced by many tribes in states that do not provide matching funds.

---

[5] Section 404 of P.L. No. 104-193.

[6] Although the proposed Tribal TANF regulation did not allow for carry over, the final rule (published in the Federal Register on February 18, 2001) allows for the carry over of the TANF grant without fiscal year limitation so long as the funds carried over are spent on "assistance" or on the administrative costs directly associated with providing assistance.

[7] P.L. No. 105-33.

FUNDING FOR SUPPORT SERVICES

Every tribe visited relied on services funded by the Indian Health Service (IHS) for mental health and alcohol and drug referrals for their multiple-barrier clients. Yet the IHS budget continues to be severely neglected within DHHS and in the congressional appropriations process. A special initiative is needed to assess the capacity of the existing IHS behavioral health funding allocations and the projected need due to hard-to-serve TANF clients across Indian country. A special funding focus on behavioral health will be required to meet this need and ensure the success of TANF objectives.

OUTCOMES Of EVALUATIONS OF TRIBAL TANF PLANS

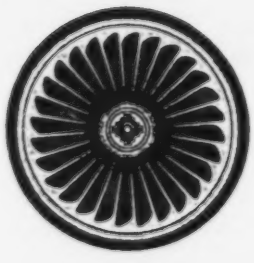
This paper's findings reveal that a detailed study to assess the impact of welfare reform on tribal families should be undertaken soon. In this study, tribes shared anecdotal information about the hardships of some families unable to adjust to the new requirements under TANF. An outcomes-based study is needed to assess the long-term impact of welfare reform on Indian communities. Such a study should look specifically at the TANF system's ability to intervene with multiple-barrier families, the number of families permanently disqualified and how they fare over time, and the financial impact on tribes serving families disqualified from TANF. The effect of welfare reform on access to Medicaid and other related issues should also be studied.

INCREASED STATE AWARENESS ABOUT TRIBAL TANF

States that participate and cooperate with tribes in the implementation of TANF gain many advantages. They can count the matching dollars they contribute to tribal TANF systems as a part of their required maintenance of effort under federal law. Additionally, the moving of tribal families from welfare to work will reflect on the state's performance indicators.

It is in a state's self-interest to help TANF families succeed in both Indian and non-Indian communities. The network of services that composes tribal TANF systems overlaps state services in several areas. Tribes and states have a mutual interest in advancing the level of cooperation on TANF issues. National and regional meetings of states and tribes should take place to facilitate the analysis and discussion needed to move these relationships forward.

APPENDICES



APPENDIX A: METHODOLOGY

The Henry J. Kaiser Family Foundation contracted with an American Indian research and consulting firm to design and implement an evaluation and assessment of the process used by tribes in determining whether or not to administer their own TANF program under the PRWORA of 1996. This assessment took place in 1998; about six months to one year from the time tribes first began to contract for TANF services. The research team designed questionnaires for tribal officials, state officials, and TANF participants. In addition to these questionnaires, state and tribal TANF plans were reviewed along with related statistical data. Three states were included in this study (see Appendix Table). Each had tribes that had submitted TANF plans and that had not.

STATES	TRIBES	APPROVED TANF PROGRAM
Oregon	Klamath Tribes	Yes
	Siletz Tribe	Yes
	Warm Springs Confederated Tribes	No
Wisconsin	Forest County Potawatomi	Yes
	Stockbridge-Munsee Community Band	Yes
	Oneida Nation	No
Arizona	Pascua Yaqui	Yes
	White Mountain Apache	Yes

Initial requests to participate in this assessment were sent to tribal chairpersons or presidents. These requests were copied to the directors of tribal social services programs, and followed up with telephone contact. Preliminary information was also mailed to tribal leaders and administrators about the assessment and the Kaiser Family Foundation. Upon the approval of the tribal government, the team scheduled on-site visits in each of the tribal communities. People interviewed included tribal elected officials, and the tribe's TANF director/administrator, employment services director, childcare director, and social services director. Also interviewed were the state office liaison to the tribes and local state office workers. When appropriate and approved by the tribe, TANF recipients were interviewed as well.

The interviews elicited views from a variety of staff perspectives on welfare reform in general and TANF in particular. Key questions asked were:

What approaches are used to provide services?

What institutional arrangements are in place for these services?

What are the characteristics of the population served?

What has been the response to welfare reform by families, tribe?

What employment opportunities are realistically available?

What is the data and management infrastructure to support office?

How has the state been involved with the tribe?

How has welfare reform impacted other tribal programs?

What was your preparation and technical assistance?

What has been the impact on the tribe? On families?

What are the strengths and weaknesses of welfare reform?

In many cases, the perspectives of line staff varied from those of the program administrator or tribal leader. These perspectives were analyzed along with the written materials provided by the tribe. The materials included the tribal TANF plan, the state TANF plan, statistics regarding AFDC/TANF participation, and BIA labor reports and General Assistance data and related tribal progress reports.

An initial draft report was mailed to each of the participating tribes and state officials for review, comments, and corrections. The draft report was also circulated to leading researchers and policy advocates in the American Indian welfare reform field.

APPENDIX B: INTERVIEWEES

Maria Gilligan
Economic Support/Eligibility Specialist/Administrative Assistant
Forest County Potawatomi Indian Community
P.O. Box 340
Crandon, WI 54520
(715) 478-7200

Philip Shopodock
Chairman
Forest County Potawatomi Indian Community
P.O. Box 340
Crandon, WI 54520
(715) 478-2903

Linda Skallerud
Human Service Facilitator
Forest County Potawatomi Indian Community
P.O. Box 340
Crandon, WI 54520
(715) 478-7200

Charlene White
NEW Program, Resource Specialist/Case Management
Forest County Potawatomi Indian Community
P.O. Box 340
Crandon, WI 54520
(715) 478-7291

Gladys Jacob
Economic Support Manager
Stockbridge-Munsee Tribe
N. 8476 Moh He Con Nuck Road
Bowler, WI 54416
(715) 79[illegible]4862

Theresa Puskarenko
Director, Education and Cultural Affairs
Stockbridge-Munsee Tribe
N. 8476 Moh He Con Nuck Road
Bowler, WI 54416
(715) 793-4111

Frank Bowman
Tribal Vice President
Stockbridge-Munsee Tribe
N. 8476 Moh He Con Nuck Road
Bowler, WI 54416
(715) 793-4861

Sue Blodgett
Childcare Director
Stockbridge-Munsee Tribe
N. 8476 Moh He Con Nuck Road
Bowler, WI 54416
(715) 793-4111

JoAnn Schedler
Director Tribal Services
Stockbridge-Munsee Tribe
N. 8476 Moh He Con Nuck Road
Bowler, WI 54416
(715) 793-4851

Pre Leverance
Director
Oneida Tribe
P.O. Box 365
Oneida, WI
54155
(920) 490-6800

Barbara Cornelius
Assistant Director Human Resources
Oneida Tribe
P.O. Box 365
Oneida, WI 54155
(920) 869-2214

Regina Funk
Benefits Manager
Oneida Tribe
P.O. Box 365

Mary Motquen
Childcare Coordinator
Oneida Tribe
P.O. Box 365
Oneida, WI 54155
(920) 869-2214

Sue Levy
Director, Office of Refugee Services
State of Wisconsin
131 W. Wilson Street, Suite 802
Madison, WI 53703
(608) 266-8354

Charles Munle
Public Assistance Local Office Manager

Terry Plant
Supervisor, Local DES State Office

Juanita Vataha
Office Supervisor, Local DES State Office
Family Assistance Administration
P.O. Box 1180
Whiteriver, AZ 85941
(520) 338-4134

Jenny Sanderson
Tribal Service Delivery Coordinator
State of Arizona
Phoenix, AZ
(602) 542-2477

Fernando Escalante
Vice-Chairman
Pascua Yaqui Tribe
7474 South Camino De Oeste
Tucson, AZ 85746
(520) 883-5000

Jorge Garcia
Social Services Director
Pascua Yaqui Tribe
7474 South Camino De Oeste
Tucson, AZ 85746
(520) 883-5060

Irma Valencia
TANF Director
Pascua Yaqui Tribe
7474 South Camino De Oeste
Tucson, AZ 85746
(520) 883-5000

Rosie Gutierrez
Childcare Coordinator
Pascua Yaqui Tribe
7474 South Camino De Oeste
Tucson, AZ 85746
(520) 883-5000

Scott Switalski
Training and Development Manager
Pascua Yaqui Tribe
7474 South Camino De Oeste
Tucson, AZ 85746
(520) 883-5000

Ronnie Lupe
Chairman
White Mountain Apache Tribe
P.O. Box 700
Whiteriver, AZ 85941
(520) 338-4346

Denise Cosay
Social Services Director
White Mountain Apache Tribe
P.O. Box 1870
Whiteriver, AZ 85941
(520) 338-4164

Sadie Burnette
Childcare Coordinator
White Mountain Apache Tribe
P.O. Box 520
Whiteriver, AZ 85941
(520) 338-4818

Patty Tolino
JOBS/TPEP Case Manager
Arizona Department of Economic Security
P.O. Box 950
Whiteriver, AZ 85941
(520) 338-1628

Rayetta Kane
Welfare Reform Coordinator
White Mountain Apache Tribe
P.O. Box 1870
Whiteriver, AZ 85941
(520) 338-4164

Toni Quincy
Employment Services Director
Confederated Tribe of Siletz Indians
P.O. Box 549
Siletz, OR 97380
(541) 444-8213

Frank Petersen
Tribal Program Manager
Confederated Tribe of Siletz Indians
P.O. Box 549
Siletz, OR 97380
(541) 441-2532

Deanne Brown
HeadStart Director
Coordinator Childcare Program
Confederated Tribe of Siletz Indians
P.O. Box 549
Siletz, OR 97380
(541) 444-2532

Marvin Garcia
Tribal Executive Member
Klamath Tribes
P.O. Box 436
Chiloquin, OR 97624
(541) 783-2219

Adria Gentry
Childcare Coordinator
Klamath Tribes
P.O. Box 436
Chiloquin, OR 97624
(541) 783-2219

Eleanor Delaney
Case Worker
Klamath Tribes
P.O. Box 436
Chiloquin, OR 97624
(541) 783-2219

Ron Parsons
Manager
Klamath Tribes
P.O. Box 436
Chiloquin, OR 97624
(541) 882-8971

Bob Staver
Program Analyst Liaison to Tribal Programs
Adult and Family Services
State of Oregon
500 Summer Street NE,
2nd Floor
Salem, OR 97310-1013
(503) 945-6103

Barb Oakley
Program Representative
State Human Services Office
State of Oregon

Julie Quaid
Director Early Childhood Education
Confederated Tribe of Warm Springs
P.O. Box C
Warm Springs, OR 97761
(541) 553-1161

Marcia Solliz
Employment Services
Confederated Tribe of Warm Springs
P.O. Box C
Warm Springs, OR 97761
(541) 553-1161

Marjorie Hyde
BIA Social Services Director
Confederated Tribe of Warm Springs
P.O. Box C
Warm Springs, OR 97761
(541) 553-1161

APPENDIX C: ACRONYMS

ACF	Administration for Children and Families
AFDC	Aid to Families with Dependent Children
AFS	Administration of Family Services
AHCCCS	Arizona Health Care Cost Containment System
AODA	Alcohol and Other Drug Abuse
AVT	Adult Vocational Training
BBA	Balanced Budget Act
BIA	Bureau of Indian Affairs
CARES	Client Assistance for Re-Employment and Economic Support
CCDBG	Childcare and Development Block Grant
CCDF	Childcare Development Fund
CHIP	Children's Health Insurance Program
COIC	Central Oregon Intergovernmental Council
CSE	Community Service Employment
DINAP	Division of Indian and Native American Programs
DOL	Department of Labor
GA	General Assistance
GED	General Equivalency Diploma
DHHS	Department of Health and Human Services
IDC	Indirect Cost
IHS	Indian Health Services
JOBS	Job Opportunities and Basic Skills Program
JPTA	Job Training Partnership Act
NEW	Native Employment Works Program
OFA	Organization for Forgotten Americans
OJT	On-the-Job Training
PRWORA	Personal Responsibility and Work Opportunity Reconciliation Act
TANF	Temporary Assistance to Needy Families
TERO	Tribal Employment Rights Office
TICM	Targeted Intensive Case Management
W-2	Wisconsin Works [Program]
W2W	Welfare to Work
WIC	Supplemental Feeding Program for Women, Infants, and Children
TWEP	Tribal Work Experience Program

U.S. Department of Education
Office of Educational Research and Improvement (OERI)
National Library of Education (NLE)
Educational Resources Information Center (ERIC)

NOTICE

Reproduction Basis

[X] This document is covered by a signed "Reproduction Release (Blanket)" form (on file within the ERIC system), encompassing all or classes of documents from its source organization and, therefore, does not require a "Specific Document" Release form.

[ ] This document is Federally-funded, or carries its own permission to reproduce, or is otherwise in the public domain and, therefore, may be reproduced by ERIC without a signed Reproduction Release form (either "Specific Document" or "Blanket").